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SECTION 1: PROGRAM INTRODUCTION

The former Shelter Plus Care (S+C) Program has been consolidated with other HUD competitive homelessness assistance grant programs, to create the new Continuum of Care (COC) Program with the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act).

Since 1992, HUD has awarded Shelter Plus Care (S+C) funds to state and local governments and public housing agencies (PHAs) to serve homeless individuals and families with disabilities such as serious mental illness, chronic substance abuse, and/or AIDS and related diseases. The COC program (formerly S+C) was built on the premise that housing and services need to be connected in order to ensure the stability of housing for this population. Consequently, COC Program provides rental assistance that local grantees must match with an equal value of supportive services appropriate to the target population. The COC program assists hard to serve homeless individuals with disabilities and their families.

Local COC projects are typically implemented through partnerships that include:

- a grantees;
- one or more nonprofit housing sponsors that own or coordinate leasing of housing for program participants; and
- a network of supportive services providers.

In Administration of the COC Rental Assistance Program, the Housing Authority of Travis County (HATC) follows the requirements specified in the CoC Interim Rule 24 CFR Part 578, which became effective August 30, 2012, as it relates to Tenant-Based Rental Assistance Programs.

Program Purpose:
The purpose of the program is to provide permanent housing in connection with supportive services to homeless people with disabilities and their families.

The primary target populations for the COC Tenant-Based Rental Assistance with Integral Care (IC) are homeless people who have:

- serious mental illness; and/or
- chronic problems with alcohol, drugs or both; and/or
- Acquired Immunodeficiency Syndrome (AIDS) or related diseases.

The program provides rental assistance and assistance for utilities, accompanied by a range of supportive services funded by other sources.

Program Goals:

The goals of the COC Tenant-Based Rental Assistance Program are to assist homeless individuals and their families to:

- Increase their housing stability;
- Increase their skills and/or income; and
- Obtain greater self-sufficiency.

Funding Process:

Funding for new COC projects is awarded competitively through HUD’s Continuum of Care process to eligible applicants: States, units of local government and public housing authorities (PHAs). Successful applicants become “grantees” once the COC grant agreement is fully executed.

HUD publishes an annual Notice of Funding Availability (NOFA) in the Federal Register announcing the combined competition for COC Programs.

Following review of the Continuum of Care applications, HUD selects projects for funding based upon the criteria found in the NOFA. Successful applicants receive a Letter of Conditional Award. The letter outlines any conditions the COC applicant must meet before the grant can be executed and program activities can begin. Both the applicant and HUD must sign the grant agreement. The term of the grant begins as of the date that HUD signs the agreement.

The collaboration between the Housing Authority and our local service partners is the backbone of our COC program. In keeping with COC’s intent to reduce homelessness, program participants are encouraged to work towards greater stability and self-sufficiency by developing short and long-term goals.
with their service provider. Service providers assist individuals with various housing related needs including communication with their property owner. Participants are supported in pursuing treatment, case management, educational and job training opportunities.

**Fair Housing Policy**

HATC and IC will affirmatively further fair housing in all of its policies. Federal laws require PHAs to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing based on race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. HATC and IC will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- **Title VI of the Civil Rights Act of 1964**

- **Title VIII of the Civil Rights Act of 1968** (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)

- **Executive Order 11063**

- **Section 504 of the Rehabilitation Act of 1973**

- **The Age Discrimination Act of 1975**

- **Title II of the Americans with Disabilities Act** (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)

- **Violence Against Women Reauthorization Act of 2013 (VAWA)**

When more than one civil rights law applies to a situation, the laws will be read and applied together.

Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted will also apply.

SECTION 2: TENANT-BASED COC PROGRAM

The COC Tenant-Based Rental Assistance Program is provided in partnership with Integral Care (IC). Program participants may choose their own housing units and may take the rental assistance to a new housing unit. Through the tenant-based rental assistance model, participants locate housing of their choice in the private rental market. If the participant later moves to another unit, he/she can take the COC Tenant-based subsidy and use it in that new unit. This model enables homeless people with disabilities to select rental housing consistent with their individual preferences and needs.

Program participants pay 30% monthly adjusted gross income or 10% of their monthly gross income (whichever is higher) towards rent and CoC Tenant-Based Rental Assistance subsidizes the remaining portion of the rent.

IC provides case management to provide support services to assist participants in achieving a greater level of self-sufficiency. Case-management services follow a three-point model in working with participants: 1) housing stability, 2) financial stability, and 3) family well-being. Case managers will facilitate the helping process in each of the three areas by engaging participants in identifying and achieving goals, developing skills to manage their household, brokering resources, helping participants make informed choices, exploring occupations and education opportunities, and providing comprehensive support to meet the unique and individual needs of each household.

The COC regulations require that grantees provide opportunities for at least one current or formerly homeless individual to participate in a board of directors or other policy-making entity to advise on decisions affecting COC housing.

HATC Policy
As discussed in Appendix 1, The HATC and its Board of Directors will include at least one current or formerly homeless individual in all decision-making policies affecting the COC Program.

Roles and Responsibilities of the Key Parties

1. HOUSING AUTHORITY OF TRAVIS COUNTY (HATC)

   a. HATC shall monitor the program and fiscal performance and ensure adequate record keeping in accordance with COC program guidance and COC regulations as well as the progress of the COC Program in accomplishing its implementation goals.

   b. AS COC GRANTEE, HATC will act as the grantee for the COC Program maintaining formal communications with HUD related to the program. HATC will notify HUD as needed to all significant programmatic changes per HUD guidance. HATC will also provide all required reports to HUD to include the Annual Progress Reports.

   c. DEVELOP POLICIES AND PROCEDURES. HATC will be responsible for developing, maintaining and revising, as needed the COC Policies and Procedures. HATC will make necessary changes to the policies and procedures.

   d. FISCAL MANAGEMENT OF COC FUNDS. HATC will manage the requisition and distribution of COC Funds on a timely basis. HATC will also work closely with its partners to effectively forecast, budget and manage the COC resources in an effort to implement and sustain the program. On a monthly basis, at least, HATC will review grant expenditures and remain in contact with IC, requesting additional referrals as needed to expend grant funds and resolve any client issues that may arise.

   e. COORDINATE SERVICE MATCH DOCUMENTATION. HATC will coordinate with its partners to ensure proper documentation of services provided.
f. MANAGE THE COC INFORMAL APPEAL HEARING PROCESS. HATC in coordination with its partners will manage the informal appeal hearing process regarding program termination from the COC Program.

g. EXECUTE RENTAL ASSISTANCE CONTRACTS WITH LANDLORD. HATC will execute COC rental assistance contracts to provide rental assistance payments. HATC will make monthly rental payments to property owner on or about the first day of each month but no later than the 5th of each month.

h. VERIFY UNIT ELIGIBILITY. HATC will inspect a unit that a COC participant wishes to occupy and which the Owner has agreed to rent to the participant, to ensure that the unit meets Housing Quality Standards (HQS) prior to occupancy. As long as the participant stays enrolled in the Program, HATC will re-inspect the unit at least annually and interim HQS inspections upon request to ensure HQS compliance.

i. MANAGE THE COC ASSESSMENT PROCESS. HATC will conduct screening and assessment for COC eligibility upon receipt of referral from IC (i.e., homeless eligibility, chronic homeless eligibility, disability status, income verification for COC subsidy assistance).

j. CONDUCT PARTICIPANT BRIEFINGS. Provide an individual or group briefing after acceptance into the COC program to educate participants on the COC policies and procedures.

k. CALCULATE OWNER RENTAL SUBSIDY AND PARTICIPANT RENT PAYMENT. Upon acceptance as a COC participant, HATC shall calculate the tenant total payment of the rent incorporating utility allowances in accordance with COC regulations. HATC shall negotiate a contract rent that meets HUD’s rent reasonableness standards.

l. ANNUAL AND INTERIM RE-CERTIFICATION. Conduct annual and interim income re-certifications for COC participants.
m. ENFORCE FAIR HOUSING REGULATIONS. HATC shall operate the COC program in accordance with HUD’s fair housing regulations and policies to include Section 504. As part of this effort, HATC and IC will review reasonable accommodation requests and approve or deny based on the circumstances.

n. MAINTAIN PROGRAM FILES. Maintain all necessary COC program files to include participant files and project files.

2. PROGRAM PARTNER: IC

a. COLLECT THE TRACKING OF SUPPORTIVE SERVICE MATCH REQUIREMENT. IC shall gather and maintain support service match information.

b. PROVIDE REQUIRED REPORTS TO HATC. IC will provide required reports to HATC on program activities as requested, to include project information, progress in achieving the leasing goals, fiscal information on resources spent, and service match information and HMIS data for COC. Document and report support services provided to COC participants in order for HATC to report support service match requirements for COC to HUD.

c. PROVIDE OUTREACH AND INFORMATION TO COMMUNITY STAKEHOLDERS ABOUT THE COC PROGRAM. Conduct outreach and affirmatively market the program to bring potential participants into the COC program. Outreach activities shall be primarily directed towards COC eligible persons who have a night-time residence that is an emergency shelter or a public private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., persons living in cars, streets, and parks).

d. RECEIVE AND SCREEN APPLICATIONS. IC will receive application from interested families and screen applications for program eligibility. IC will obtain all necessary verification to determine a family’s initial and continued eligibility.

e. SUPPORT HATC’S ELIGIBILITY SCREENING AND ASSESSMENT PROCESS. IC will support HATC’s screening and eligibility determination (i.e., homeless eligibility, chronic homeless
eligibility, disability status, income verification). In addition, IC will determine PSH eligibility to ensure that the CoC Tenant-Based Rental Assistance participant is eligible for support services. CoC Tenant-Based Rental Assistance applicants must be determined to be PSH eligible in order to be accepted into the CoC Tenant-Based Rental Assistance Program. When referrals are requested by HATC, IC will submit referrals from the appropriate Housing Prioritization List obtained through Coordinated Assessment.

f. COORDINATE ACTIVITIES WITH HATC. IC shall be responsible for alerting HATC when a housing situation arises that requires the involvement of HATC.

g. ENSURE DOCUMENTATION OF SUPPORT SERVICES PROVIDED. Document and report support services provided to COC Tenant-Based participants in order for HATC to report support service match requirements for COC Tenant-Based Rental Assistance to HUD.

h. REASONABLE ACCOMMODATIONS. HATC and IC will review reasonable accommodation requests and approve or deny requests depending on the circumstances.

i. TERMINATION OF ASSISTANCE. HATC and IC will review and make decisions on termination of COC rental assistance.

3. COC APPLICANTS/PARTICIPANTS

a. COOPERATE IN FULFILLING PROGRAM REQUIREMENTS. The applicant/ participant must provide income information and family information/documentation needed to permit HATC to certify eligibility and family composition and establish rent portions on an initial and annual basis. Participant must attend scheduled appointments.

b. SELECT A QUALIFIED UNIT. The participant will conduct a housing search to identify an appropriate unit that meets the needs of the participant’s household within the HATC’s service jurisdiction. This unit must also pass the HQS inspection. Participants must allow the HATC to inspect the unit for Housing Quality Standards annually or as required.
c. COMPLIANCE WITH LEASE AGREEMENT. The participant must conform to all lease requirements or COC program rules, including allowing inspections of the unit. Participant must comply with terms of the lease. The participant must notify the housing authority in a timely manner of any problem or issue with the property owner. Participant must maintain the unit and repair any damages caused by family or guests beyond normal wear and tear. Participant must pay the participant rent portion on time as specified on the lease to the property owner.

d. REPORT CHANGES IN INCOME AND FAMILY COMPOSITION. Any changes in income or family composition must be reported to HATC within 30 days of the change. Participants are responsible for informing HATC of any changes in family circumstances in writing (including income and family composition) and are responsible for responding to requests from the HATC to update information.

e. COMPLY WITH PROGRAM POLICIES. The participant is required to know COC program policies and to abide by them. The HATC will provide a program briefing to all COC participants explaining key program policies. The HATC and the COC participant will sign a COC Certification packet describing the participant’s responsibilities under the COC program. These include, but are not limited to the requirement that the unit be used as the participant’s primary residence; giving proper notification before moving from the unit; and knowing that the participant may be responsible for damages incurred in the unit beyond normal wear and tear. Additionally, participant receives a copy of the written program rules, including the termination process, at the briefing.

Key Documents Executed Among the Parties

A. **Memorandum of Understanding** – The Housing Authority of Travis County will execute a Memorandum of Understanding with IC describing the roles and responsibilities for implementation of the COC program.

B. **Housing Assistance Payment (HAP) Contract.** This document binds the housing authority and the property owner and explains the program expectations that must be met in order for the COC subsidy to be paid.

C. **Lease.**

Tenant-Based Rental Assistance participants must execute a standard lease agreement between the owner and the participant that is generally used for other unassisted tenants in the
premises for a term of at least one year, which is terminable for cause. The lease must be automatically renewable upon expiration for terms that are a minimum of one month long, except on prior notice by either party. The lease must be consistent with State and local law.
SECTION 3 – ELIGIBLE ACTIVITIES

The COC program provides funding for only rental assistance and grant administration. Eligible Activities for the use of COC grant funds is described in 24 CFR 578.

A. RENTAL ASSISTANCE

HATC will use COC funding to provide rental assistance for COC eligible homeless people with disabilities who are also PSH eligible. HATC will use COC rental assistance to make housing affordable for program participants to pay the difference between the actual rent for a unit and 30% monthly adjusted gross income or 10% of their monthly gross income (whichever is higher). Zero income participants will provide a zero income statement at each annual re-certification until income is obtained. HATC has a system in place to record and track all rental payments made to property owners or sponsors.

Eligible activities for utilization of COC grant funds is defined in 24 CFR Part 578.51. The following are defined as eligible activities:

- Security Deposits may be paid to a property owner but must not to exceed 2 months’ of rent;

HATC Policy

Effective 3/01/2018, Property owners may receive security deposit assistance from HATC but may not exceed one (1) months’ rent if funding for two months is not available for the remainder of the grant.

- Last month’s rent may be paid to the property owner but must not exceed one (1) months’ rent;

- If an assisted unit is vacated by the participant prior to the expiration of the lease, vacancy payments may be paid to the property owner for a maximum of 30 days from the end of the month in which the unit was vacated; and

- Property damages may be paid to property but must not exceed one (1) months’ rent. This shall be a one-time cost per participant, incurred at the time a participant exits a housing unit.

In order for a property owner to request property damage reimbursement, the property owner must submit a request within 30 days of the participant vacating the unit or within 30 days of the end of the lease term upon participant vacating the unit. The property owner must provide a detailed / itemized list in order to consider the request. Approval of the
request may take up to 30 days and approval of the reimbursement is dependent upon available COC funds.

B. ADMINISTRATIVE COSTS

HATC may use a percentage, as defined by the Continuum of Care (CoC), of any grant awarded under this part, in adherence with the grant agreement, for the payment of project administrative costs related to the planning and execution of COC activities. These eligible costs may include:

- General program management, oversight, and coordination;
- Receiving new participants into the program;
- Providing housing information and search assistance;
- Determining participant income and rent contributions;
- Inspecting units for compliance with Housing Quality Standards;
- Processing rental payments to landlords;
- Preparing program budgets and schedules;
- Developing systems for assuring compliance with program requirements;
- Developing agreements to with sub-recipients and contractors to carry out program activities;
- Monitoring program activities for progress and compliance with program requirements;
- Preparing reports and other documents directly related to the program for submission to HUD;
- Coordinating the resolution of audit and monitoring findings;
- Evaluating program results against stated objectives;
- Managing or supervising persons whose primary responsibilities with regard to the program include assignments described above
- Training on COC requirements; and

- Costs of carrying out environmental review responsibilities under §578.31.

COC Program Changes
Occasionally, after a COC program is underway, it may be necessary to alter the program to accommodate unanticipated changes. When the program change is significant, HATC will seek and receive written approval from HUD. Some examples of significant changes may include:

- A change in partner.
- A change in the target population to be served.
- A change in component.

If such a program change is required, HATC shall request approval for the specific program change with appropriate justification in writing to HUD prior to making changes.

SECTION 4 - REFERRAL, ELIGIBILITY SCREENING AND PARTICIPANT SELECTION

A. Outreach and Referrals
IC will submit referrals to HATC. The partners are responsible for affirmatively marketing its housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or handicap, reaching out and engaging homeless households that may be eligible for the COC Program. As a part of the CoC, IC will work to obtain applicants through Coordinated Assessment established by the CoC, which meet the requirements in 24 CFR 578 (a) (8).

B. COC Eligibility

To be eligible for assistance, the participants must meet the following COC Program Eligibility requirements:

- Homeless

  Individuals or families applying for assistance must be homeless per HUD’s definition.
• **Disability**

Individuals and families must have an individual family member with a disability. The applicant must meet HUD’s definition of “disabled”.

• **Income Limit**

Individuals and families must meet the income guidelines for the COC Program.

1. **HOMELESS**

a. **Homeless Status**

In general, a person is considered homeless if, without HUD assistance, he or she would have to spend the night in a homeless shelter or in a place not meant for human habitation. More specifically, an individual is considered homeless if (s) he is lacking a fixed, regular, and adequate nighttime residence, meaning:

- Has a primary nighttime residence that is a public or private place not meant for human habitation;

- Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs)

[* Individuals and families coming from transitional housing must have originally come from the streets or emergency shelter.]; or

- Is exiting an institution where (s) he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
Individuals and families who are fleeing or attempting to flee domestic violence, as defined below, are also eligible for PSH through COC.

- Fleeing, or attempting to flee, domestic violence;
  - Has no other residence; and
  - Lacks the resources or support networks to obtain other permanent housing;

Documenting Homeless Status

Homeless verifications for a family or an individual who is *literally homeless* include:

- Written observation by the outreach workers (Certification form signed by the outreach worker or service worker verifying that the person or family is homeless. This could include a letter or certification form signed by an outreach worker or service worker from another organization that can verify that the person or family was, in fact, homeless as described in the above definition.); or
  - Written referral by another housing or service provider; or
  - Certification by the individual or head of household seeking assistance stating that (s) he was living on the streets or in a shelter.

Homeless verification for a family or an individual who is *living in a publicly or privately operated shelter designated to provide temporary living arrangements* include:

- Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. Verification should be on agency letterhead, signed, and dated. All oral statements must be recorded by the intake worker; or
• Where the evidence is not obtainable, a written record of the intake worker’s due diligence in attempting to obtain the evidence described above and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.

• For individuals exiting an institution – one of the forms of evidence above and
  
  o Discharge paperwork or written/oral referral, or
  
  o Written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited the institution.

Homeless verifications for a family or an individual who is fleeing or attempting to flee domestic violence include:

• For victim service providers:
  
  o An oral statement by the individual or head of household seeking assistance, which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker.

• For non-victim service providers:
  
  o Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and
  
  o Certification by the individual or head of household that no subsequent residence has been identified; and
  
  o Self-certification or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

Must document that participant’s income has been verified and certify that they lack the financial resources and support networks needed to obtain housing and that without COC assistance, the participant would be living on the street or in an emergency shelter.
b. Chronically Homeless

Chronically homeless means:

- (1) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:
  - Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
  - Has been homeless and living (as described above) continuously for at least 12 months or on at least four separate occasions in the last 3 years where the combined occasions total at least 12 months.
    - Occasions separated by a break of at least 7 consecutive nights of not living as described above.
    - Stays in institutional care facilities for fewer than 90 days do not constitute as a break in homelessness;

- (2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

- (3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

Documenting Chronically Homeless Status

Evidence verifying chronically homeless status can be obtained via third-party verification, intake worker observation, or certified by the person seeking assistance.
Third party documentation is preferred. However, for all clients, up to 3 months can be documented through self-certification.

- A single encounter of a month is sufficient to consider household homeless for the entire month unless there is evidence of a break.

- If third-party documentation cannot be obtained, a written record of intake worker’s due diligence to obtain, the intake worker’s documentation of the living situation, AND the individual’s self-certification of the living situation will suffice.

Evidence of a break can be documented by:

- Third party evidence

- Self-report of the individual seeking assistance (100% of the breaks can be documented by self-report)

2. DISABILITY

VERIFICATION OF DISABILITY STATUS

HATC shall obtain verification of disability status in the following two ways:

1. Verified through a third-party signed Verification of Disability Form; or

2. Verified through receipt of Supplemental Security Disability Income (SSDI) or Supplemental Security Income (SSI) if HATC obtains written verification from the Social Security Administration (SSA).

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment
- The phrase “physical or mental impairment” includes:
• Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
• Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
• “Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.
• “Has a record of such impairment” means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
• “Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as HATC) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:
• Current illegal drug users
• People whose alcohol use interferes with the rights of others
• Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the COC program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.
3. **INCOME LIMIT**

The COC Tenant-Based Rental Assistance Program assists residents who reside within HATC’s jurisdiction and whose household incomes are at or below 50% of the Median Family Income, as published by HUD.

**C. COC Tenant-Based Rental Assistance Application Process**

The purpose of the COC Tenant-Based Rental Assistance application is to collect relevant information necessary to assist in determining eligibility and selecting participants. IC must complete the application and submit to HATC along with accompanying verifications (homeless, disability, and income) which must be current within the last 60 days.

Upon acceptance into the COC Tenant-Based Rental Assistance program, HATC will schedule an individual or group briefing that must be attended by the applicant. At the briefing, the applicant is given information concerning the rules and regulations of the program as well as fair housing information.

HATC will ensure that applicants with disabilities are given reasonable accommodations in the application procedures. These include, if necessary, assistance in gathering and submitting documentation and other information in support of eligibility and documenting a need for accommodations.

**Pre-Screening, Referral Process and Lease-up**

1. All clients referred to the COC Program are prescreened by a caseworker with IC to verify client eligibility for the program. The following lists the information provided by IC to HATC:

   - Program Application
   - Verification of Disability;
   - Verification of Homelessness;

   The caseworker provides a letter of referral verifying that the family is homeless in accordance with HUD’s definition of homelessness. This referral also includes a notarized statement from the family to certify their homeless status.

   - Verification of Chronic Homelessness;
   - Verification of PSH Eligibility;
   - Release of Information Form;
   - Birth certificates and Social Security Cards for all family members; and
• Verification of Income (if available)

Income verification is provided to ensure the family meets the HUD approved Very Low Income Limits for the Austin area, if available. If not, verification will be provided at the briefing prior to voucher issuance.

2. The case manager with IC submits the above referenced information/documentation along with a referral to the designated person at the Housing Authority of Travis County.

3. The Housing Authority of Travis County contacts the case manager to schedule an appointment.

4. The family and case manager attend an appointment and bring additional required paperwork.

5. The Housing Authority of Travis County’s assigned staff member will verify the following information:

   a. household composition by obtaining birth certificates, Social Security cards for all family members, and picture identifications for members over the age of 18.

   b. obtain citizenship certification (At least 1 member of the family must be determined to be a U.S. citizen or Resident Alien to be eligible for assistance. Pro-rated assistance will be provided for mixed families.)

   c. verify that the total family annual income meets the established Very Low Income Limits for the Austin area, not to exceed 50% of the City of Austin’ Median Family Income established by HUD. (Adult household occupants claiming zero income will sign a zero income certification form.)
d. obtain and verify child care expenses or medical expenses

e. review and confirm the family's homelessness certification

f. obtain the client's signatures on required certifications and documents

g. HATC will also run a search on the National Sex Offender Public Website for household members over the age of 18. If any household member has a lifetime registration under state sex offender registration programs, the family may be denied admission.

- Under the housing first model, an applicant registered as a sex offender will be considered for a CoC voucher.

6. The application is reviewed by HATC's designated staff member for completeness and eligibility. If the applicant family is eligible, the family will be contacted to be scheduled for an orientation briefing where the COC program participant will be briefed.

7. If the unit passes a HQS inspection and the Lease and rent is approved, the tenant's rent portion will be calculated and a COC Lease Addendum and Contract will be completed.

8. Both the landlord and participant will be sent a notice to sign the Lease Addendum and Contract and provide a copy of the signed lease. A fully executed lease between the property owner and the client must be in place prior to any costs being incurred for COC related activities.

9. Once all documents are signed, the HATC assigned staff member will complete the process to pay the property owner the housing assistance payments portion.
10. During the term of the Lease, the family is required to report any changes to income or family composition in writing within 30 days of occurrence. Rent portions will be adjusted if the family was previously reporting zero income, according to the families’ new adjusted income. A Rent Change Notice will be mailed to the family and owner to reflect any changes in rent portions.

11. An annual re-examination will be conducted to determine a family’s continued eligibility and a Housing Quality Standards Inspection will be completed.

Wait List Procedures

Eligible referrals are obtained through Coordinated Assessment and are forwarded to HATC from IC when there is a program opening.

IC follows the federally mandated CoC Coordinated Assessment process through which clients are assessed using the Vulnerability Index - Service Prioritization Decision Assistance Tool (SPDAT). The housing needs and acuity indicated by this tool will establish the priority for any given client to be housed, in relation to other clients and within the eligibility requirements for any given Permanent Supportive Housing program. People with more challenges as evidenced by higher scores on the Vulnerability Index - Service Prioritization and Decision Assistance Tool (VI-SPDAT) are prioritized.

Once a potential client follows the Coordinated Assessment intake process and they have been recommended by the process to participate in a permanent supportive housing program, they are automatically submitted to the relevant Housing Prioritization List. When there is availability in the CoC Program, HATC notifies IC. IC then obtains the appropriate Housing Prioritization List and identifies the next confirmed-eligible participant based on the relevant prioritization criteria.

IC program staff will work to collect all necessary documents to determine initial eligibility of the applicant. Documentation of disability and homelessness will be secured using HATC approved documents and all supporting documentation will be secured from referral agency and qualified personnel. Program staff will communicate with applicant throughout the process and request additional documents if necessary. Program staff will make the initial eligibility determination and if the applicant appears eligible, an interview will be scheduled to collect further information in an effort to comprehensively assess their eligibility and suitability for the program. Once the interview is complete and the applicant is determined eligible and suitable, they are referred to the prospective property’s leasing office to complete the leasing application
for the unit. All applicants must be approved by the property before HATC applies its admission procedures. The individual is then referred to HATC with the required documentation.

Screening Criteria for Criminal Activity

Criminal Activity
HATC is responsible for screening family behavior and consider an applicant’s history of criminal activity that would adversely affect the health, safety or welfare of other tenants.

HATC Policy
Under the Housing First Model, HATC-IC will screen-in applicants as opposed to screen out applicants with the greatest barriers to housing such as having criminal histories. An applicant’s criminal background will not prevent an applicant from being considered for housing assistance however, IC will prioritize chronically homeless applicants for eligibility through coordinated assessment regardless of criminal history.

If HATC proposes to deny admission, HATC must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission.

- If a denial is warranted, a written notice of denial will be mailed, which will provide the detailed summary that caused the reason for the proposed denial.
- Additionally, the denial notice will advise the applicant of the right to request an informal hearing to dispute the accuracy of the data and the basis for the denial.
- The request must be made in writing within 10 business days of the date of the denial notice.

If the family fails to request an informal hearing within 10 business days of the date of the official denial letter, the denial shall become final.
Criteria for Deciding to Deny Assistance Evidence

**HATC Policy**
HATC will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

**Removal of a Family Member’s Name from the Application**
HUD permits HATC to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which results in the denial of assistance, to not reside in the unit.

**HATC Policy**
As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member’s current address upon HATC’s request.

**Previous Behavior in Assisted Housing**
HATC may deny admission based on relevant information pertaining to the family’s previous behavior in assisted housing.

In the event of the receipt of unfavorable information with respect to an applicant, HATC must consider the time, nature and extent of the applicant’s conduct (including the seriousness of the offense). HATC may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence or stalking.
HATC Policy

HATC may deny admission to an applicant family if HATC determines that the family:

1. Owes rent or other amounts to HATC or any other PHA in connection with the HCV program, Certificate, Moderate Rehabilitation or public housing programs. At least half of the amount owed to HATC or other federally subsidized programs will have to be repaid by the applicant before Admissions approval. For any outstanding balance, applicant will need to adhere to a repayment agreement before being approved for the program.

2. Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.

3. Has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program. This includes intentional misrepresentation of citizenship or immigration status.

4. Refuses to sign and submit consent forms for obtaining information necessary to determine eligibility and continued eligibility for housing assistance.

5. Has engaged in or threatened violent or abusive behavior toward HATC personnel.

SECTION 5 - LEASING ACTIVITIES

A. SUBSIDY STANDARDS

DETERMINING FAMILY UNIT SIZE

For each family, HATC will determine the appropriate number of bedrooms under the subsidy standards. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when HATC determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
• A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

• If children are projected to be out of the home for a period of more than 6 months from the initial removal date but will be returned to the home, the voucher size may be reduced.

• A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

• Any live-in aide (approved by HATC to reside in the unit to care for a family member who is disabled) must be counted in determining the family unit size;

• Unless a live in aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under HATC subsidy standards.

HATC Policy

Considering the great demand for assistance and the limited funding, HATC’s policy regarding subsidy standards is designed to help the maximum number of families in need. If a family is within the subsidy range, they will not be upgraded unless there is an approved exception.

• HATC will assign one bedroom for each two persons within the household unless an exception has been granted.

• Live-in aides will be allocated a separate bedroom. A live-in aide’s family members may be allowed to reside in the unit, however, a larger bedroom size would not be considered and the total number of people in the dwelling unit must meet housing subsidy standards. The live-in aide or live-in aide’s family members will not be considered as remaining family members for continued occupancy purposes.

• Single person families will be allocated one bedroom.

• The head of household and spouse (if present) will be granted one bedroom.

HATC will reference the following chart in determining the appropriate voucher size for a family:
### Voucher Size

<table>
<thead>
<tr>
<th>Persons in Household (Minimum – Maximum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 or efficiency Bedroom</td>
</tr>
<tr>
<td>1 Bedroom</td>
</tr>
<tr>
<td>2 Bedrooms</td>
</tr>
<tr>
<td>3 Bedrooms</td>
</tr>
<tr>
<td>4 Bedrooms</td>
</tr>
<tr>
<td>5 Bedrooms</td>
</tr>
</tbody>
</table>

### EXCEPTIONS TO SUBSIDY STANDARDS

In determining family unit size for a particular family, HATC may grant an exception to its established subsidy standards if HATC determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

**HATC Policy**

HATC will consider granting an exception for any of the reasons specified in the regulation: age and gender, health, handicap, or relationship of family members or other personal circumstances. 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 health-related reasons 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 the annual reexamination.

HATC will notify the family of its determination within 15 calendar 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.
Requests for upgrades in bedroom size or exceptions to the subsidy standards may include, but are not limited to:

- Two elderly or disabled household members may be given separate bedrooms as a reasonable accommodation for a person with a disability or because of a medical necessity.

- When a child in the household reaches age 6, if a family makes the request in writing for an additional bedroom so children with different genders can have their own room, HATC will consider approving upgrading the voucher bedroom size if HATC has enough funds to support the total number of HUD allocated vouchers. HATC will not provide an upgrade in bedroom size if funds are not available to lease the maximum number of HUD allocated vouchers.

- Same gender children or household members would not be eligible for an upgrade in bedroom size so each could have their own room, unless as a reasonable accommodation for a person with a disability.

- A need for a separate bedroom for reasons related to a family member’s disability, medical equipment or health condition. For requests to approve an additional bedroom for medical necessity (one’s health condition), the additional bedroom should be to accommodate a person with a disability because it has been determined by a knowledgeable professional (e.g., doctor or health professional) that the person with a disability needs their own bedroom. The additional bedroom should not be approved for the purpose of storing exercise equipment or other medical equipment if such equipment could be stored in the common living space, one of the existing bedrooms, a garage, or storage area. HATC will not require a person with disabilities to store exercise equipment or other medical equipment in an unheated or non-air conditioned garage or room. Also, HATC will not require storage in a common living space if such storage will hinder mobility within the unit. The results of a unit inspection to support the need for the additional bedroom for medical equipment will be placed in the file.

- For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom
For a parent or guardian with children, the guardian will be provided a separate bedroom from their children.

**B. VERIFYING FAMILY INFORMATION - VERIFICATION OF LEGAL IDENTITY**

**HATC Policy**

HATC will require families to furnish verification of legal identity for each household member.

<table>
<thead>
<tr>
<th>Verification of Legal Identity for Adults</th>
<th>Verification of Legal Identity for Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of birth, naturalization papers</td>
<td>Certificate of birth</td>
</tr>
<tr>
<td>Church issued baptismal certificate</td>
<td>Adoption papers</td>
</tr>
<tr>
<td>Current, valid driver's license or Department of Motor Vehicles identification card</td>
<td>Custody agreement</td>
</tr>
<tr>
<td>U.S. military discharge (DD 214)</td>
<td>Health and Human Services ID</td>
</tr>
<tr>
<td>U.S. passport</td>
<td>School records</td>
</tr>
<tr>
<td>School or government-issued photo ID for age</td>
<td></td>
</tr>
</tbody>
</table>

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at HATC’s discretion, a third party who knows the person may attest to the person’s identity. The certification must be provided in a format acceptable to HATC and be signed in the presence of a HATC representative or notary public. Legal identity will be verified on an as needed basis.

**SOCIAL SECURITY NUMBERS**

The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include, existing program participants who were at least 62 years of age as of January 31, 2010, and had not previously disclosed a SSN.

Note that an individual who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation
requirements or penalties associated with noncompliance with these requirements. Nor may the head of household opt to remove a household member from the family composition for this purpose.

HATC must accept the following documentation as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA);
- An original SSA-issued document, which contains the name and SSN of the individual; or
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

HATC may only reject documentation of an SSN provided by an applicant or participant if the document is not an original document, if the original document has been altered, mutilated, or is not legible, or if the document appears to be forged.

HATC Policy

If the provided documentation is not acceptable evidence of the social security number, HATC will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to HATC within 90 calendar days. The explanation and request will be documented in the participant file.

When the participant requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the participant must provide the complete and accurate SSN assigned to each new member at the time of recertification, in addition to the documentation required to verify it. HATC may not add the new household member until such documentation is provided.

When a participant requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the participant must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if HATC determines that the participant’s failure to comply was due to unforeseen circumstances and was outside of the participant’s control. During the period HATC is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

HATC Policy
HATC will grant one additional 90-day extension if needed for reasons beyond the participant’s control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Social security numbers must be verified only once during continuously assisted occupancy.

HATC Policy

HATC will verify each disclosed SSN by:

- Obtaining documentation from applicants and participants that is acceptable as evidence of social security numbers; or
- Making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder

DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

HATC Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, HATC will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age must be verified only once during continuously assisted occupancy.

FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

HATC Policy
Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

**Marriage**

**HATC Policy**

Certification by the head of household is normally sufficient verification. If the HATC has reasonable doubts about a marital relationship, the HATC will require the family to document the marriage.

A marriage certificate generally is required to verify that a couple is married.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

**Separation or Divorce**

**HATC Policy**

Certification by the head of household is normally sufficient verification. If the HATC has reasonable doubts about a separation or divorce, the HATC will require the family to document the divorce, or separation.

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced. A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

**Absence of Adult Member**

**HATC Policy**

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of
the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Definitions of Temporarily and Permanently Absent

HATC Policy

Generally an individual who is or is expected to be absent from the assisted unit for 90 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 90 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

Absent Head, Spouse, or Co-head

HATC Policy

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment or employment situation that requires the employee to be away from the home will continue to be considered a family member.

Absence due to Institutional Stays

COC Regulation Interim Rule 24 CFR 578.51 states that brief periods of stays in institutions, not to exceed 90 days for each occurrence, are not considered vacancies. If the sole member of the household is incarcerated or admitted into an institution for more than 90 consecutive days, he/she will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if he/she is institutionalized or incarcerated in excess of 90 consecutive days.

Absence of Entire Family

HATC policy

The guideline below address situations when the family is absent from the unit, but have not moved out of the unit. In cases where the family has moved out of the unit, HATC will terminate assistance in accordance with termination procedures contained in this Plan.
Families are required both to notify HATC before they move out of a unit and to give HATC information about any family absence from the unit.

Families must notify HATC within 10 days after leaving the unit if they are going to be absent from the unit for more than 45 consecutive days.

If the entire family is absent from the assisted unit for more than 45 consecutive days, the unit will be considered vacated and the assistance will be terminated. If it is determined that the family is absent from the unit, HATC will not continue assistance payments.

HUD regulations require HATC to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

“Absence” means that no family member is residing in the unit.

To determine if the family is absent from the unit, HATC may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors
- Verify if the utilities are in service
- Check with the post office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar day’s limit.

If the absence that resulted in termination of assistance was due to a person’s disability and HATC can verify that the person was unable to notify HATC in accordance with the family’s responsibilities, and if funding is available, HATC may reinstate the family as an accommodation. The family must make this request within 10 business days of the date of termination.

Foster Children and Foster Adults

HATC Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.
VERIFICATION OF STUDENT STATUS

General Requirements

HATC Policy

The HATC requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family reports full-time student status for an adult other than the head, spouse, or co-head;
- The family reports child care expenses to enable a family member to further his or her education; or
- The family includes a student enrolled in an institution of higher education.

CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

Overview

A family will be considered eligible for assistance under the COC program if at least one member of the family is determined to be a United States (U.S.) Citizen or a Resident Alien (eligible non-citizen). Such an individual could also be a child.

Housing assistance is not available to persons who are not citizens, nationals, eligible immigrants, or to individuals who elect not to declare their immigration status. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy.

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.
The declaration is required as verification of citizenship eligibility with the appropriate supporting documentation.

**HATC Policy**

Family members who claim U.S. citizenship or Resident Alien status will be required to provide one of the following supporting documents: an original birth certificate, naturalization document, an original baptism certificate or an active (unexpired) Immigration and Naturalization Service (INS) card.

**Eligible Immigrants**

**Documents Required**

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance.

**HATC Verification**

For family members age 62 or older who claim to be eligible immigrants, proof of age is required. If an official record of birth or evidence of social security retirement benefits cannot be provided, HATC will require the family to submit other documents that support the reported age of the family member (e.g., driver’s license if birth year is recorded) and to provide self-certification. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the HATC must verify immigration status with the United States Citizenship and Immigration Services (USCIS). The HATC will follow all USCIS protocols for verification of eligible immigration status.
C. VERIFYING INCOME AND ASSETS

Determination of Participant’s Rent

For purposes of determining resident rent, annual gross income is the total income of all family members (even if temporarily absent), excluding any employment income of children under age 18, from all sources anticipated to be received in the 12-month period following the effective date of the income certification. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

<table>
<thead>
<tr>
<th>Summary of Income Included and Excluded by Person</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Live-in aides</strong></td>
</tr>
<tr>
<td><strong>Foster child or foster adult</strong></td>
</tr>
<tr>
<td><strong>Head, spouse, or co-head</strong></td>
</tr>
<tr>
<td><strong>Other adult family members</strong></td>
</tr>
<tr>
<td><strong>Children under 18 years of age</strong></td>
</tr>
<tr>
<td><strong>Full-time students 18 years of age or older (not head, spouse, or co-head)</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**ANTICIPATING ANNUAL INCOME**

HATC is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a) (2)]. Policies related to anticipating annual income are provided below.
Basis of Annual Income Projection

HATC generally will use current circumstances to determine anticipated income for the coming 12-month period. HATC may use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected
- It is not feasible to anticipate a level of income over a 12-month period
- HATC believes that past income is the best available indicator of expected future income

ANNUAL INCOME INCLUSIONS

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph (c) of this section.

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b) (2) of this section. Any withdrawal of cash or assets from an investment will be
included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.
   (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
      (A) Qualify as assistance under the TANF program definition at 45 CFR 260.311; and
      (B) Are not otherwise excluded.
   (ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
      (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
      (B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces

**EARNED INCOME**

Tips
HATC Policy

Unless tip income is included in a family member’s W-2 or paychecks by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

BUSINESS AND SELF EMPLOYMENT INCOME

HATC Policy

Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify by notary to its accuracy.

- All schedules completed for filing federal and local taxes in the preceding year.

- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

HATC will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination, HATC may request documents that support submitted financial statements such as manifests, appointment books, cashbooks, or bank statements.

If a family member has been self-employed less than three (3) months, HATC will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months, HATC will require the family to provide documentation of income and expenses for this period and use that information to project income.
PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

HATC Policy

To verify the SS/SSI benefits of applicants, the HATC will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), HATC will help the applicant request a benefit verification letter from SSA’s Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the applicant has received the benefit verification letter they will be required to provide it to the HATC.

ALIMONY OR CHILD SUPPORT

HATC Policy

The way HATC will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.

If the family declares that it receives regular payments, verification will be sought in the following order.

- If the custodial parent does not have a Social Security number, or if HATC is unable to access the custodial parent’s case information for any other reason, HATC will request a third party written verification from the Texas OAG’s office directly.
- Third-party verification from the person paying the support.
- Copy of a separation or settlement agreement or a divorce decree stating the amount and type of support and payment schedules.
- Copy of the latest check and/or payment stubs.
- Copy of 3-6 monthly bank statement(s) with deposited child support payments.
- Family’s self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
If the family declares that it receives irregular or no payments, in addition to the verification process listed above, HATC may require the family to provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

- A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts.
- If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts.

Note: Families are not required to undertake independent enforcement action.

**ASSETS AND INCOME FROM ASSETS**

**Assets Disposed of for Less than Fair Market Value**

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. HATC needs to verify only those certifications that warrant documentation.

**HATC Policy**

HATC will verify the value of assets disposed of only if:

- HATC does not already have a reasonable estimation of its value from previously collected information, or
- The amount reported by the family in the certification appears obviously in error.

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Example 1: An elderly participant reported a $10,000 certificate of deposit at the last annual reexamination and HATC verified this amount. Now the person reports that she has given this $10,000 to her son. HATC has a reasonable estimate of the value of the asset; therefore, recertification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem
NET INCOME FROM RENTAL PROPERTY

HATC Policy

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current tenant.

- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, HATC will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

RETIREMENT ACCOUNTS

HATC Policy

When third-party verification is not available, the type of original document that will be accepted depends upon the family member’s retirement status.

- Before retirement, HATC will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

- Upon retirement, HATC will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

- After retirement, HATC will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

ANNUAL INCOME EXCLUSIONS
Annual income does not include the following:

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the participant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide;

(6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8) (i) Amounts received under training programs funded by HUD;

(ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under
employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of $480 per adopted child;

(13) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(14) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(15) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(16) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

**VERIFYING MANDATORY DEDUCTIONS**

**DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS**

The dependent and elderly/disabled family deductions require only that HATC verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

**Dependent Deduction**

HATC must verify that:
Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or co-head of the family and is not a foster child.

Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student.

**Elderly/Disabled Family Deduction**
HATC must verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

**MEDICAL EXPENSE DEDUCTION**
The amount of the deduction will be verified following the standard verification procedures.

**Amount of Expense**
Medical expenses will be verified through:

- Written third-party documents provided by the family, such as pharmacy printouts or receipts.

  HATC will make a best effort to determine what expenses from the past are likely to continue to occur in the future. HATC will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months. This may include copies of checks used to make medical expense payments or receipts.

  Written third-party verification forms, if the family is unable to provide acceptable documentation.

In addition, HATC must verify that:
- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.
Eligible Household
The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62, or a person with disabilities. HATC must verify that the family meets the definition of an elderly or disabled family.

Qualified Expenses
To be eligible for the medical expenses deduction, the costs must qualify as medical expenses

Unreimbursed Expenses
To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

HATC Policy
The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

HATC Policy
When anticipated costs are related to on-going payment of medical bills incurred in past years, HATC will verify:

• The anticipated repayment schedule
• The amounts paid in the past, and
• Whether the amounts to be repaid have been deducted from the family’s annual income in past years

DISABILITY ASSISTANCE EXPENSES

The amount of the deduction will be verified following the standard verification procedures.
Amount of Expense
Attendant Care

HATC Policy
HATC will accept written third-party documents provided by the family.
If family-provided documents are not available, the HATC will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks dated within 60 days of re-exam or request.
- Third-party verification form signed by the provider, if family-provided documents are not available dated within 60 days of re-exam or request.

Auxiliary Apparatus

HATC Policy
Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.

In addition, HATC must verify that:

- The family member for whom the expense is incurred is a person with disabilities.
- The expense permits a family member, or members, to work.
- The expense is not reimbursed from another source.
Family Member is a Person with Disabilities
To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. HATC will verify that the expense is incurred for a person with disabilities.

Family Member(s) Permitted to Work
HATC must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

HATC Policy
HATC will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work. If third party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses
To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

HATC Policy
An attendant care provider will be asked to certify that, to the best of the provider’s knowledge, the expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

CHILD CARE EXPENSES
The amount of the deduction will be verified following the standard verification procedures. In addition, HATC must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
• The costs enable a family member to pursue an eligible activity.
• The costs are for an allowable type of childcare.
• The costs are reasonable.

Eligible Child
To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. HATC will verify that the child being cared for (including foster children) is under the age of 13.

Unreimbursed Expense
To be eligible for the child care deduction, the costs must not be reimbursed by another source.

HATC Policy
The childcare provider and the family will be asked to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Reasonableness of Expenses
Only reasonable childcare costs can be deducted.

HATC Policy
The actual costs the family incurs will be compared with HATC’s established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, HATC will request additional documentation, as required, to support a determination that the higher cost is appropriate.

A. Determination of Participant’s Rent
The Housing Authority provides COC participants with a utility allowance for those utilities that the participant is responsible for paying. The housing authority determines the COC utility allowance as described below. For most households participating in the COC Program the utility allowance is given by deducting the allowance from the amount of rent the household owes each month. In some cases, a
utility reimbursement will be owed to the participating household. The utility allowance is paid directly to the designated utility company when the grant allows.

The appropriate and most current utility allowance schedule will be selected for each participant based on the utilities in the unit.

**B. Housing Quality Standards Inspection**

1. Any unit approved for rental assistance payments must conform to the Housing Quality Standards (HQS) set forth in the Code of Federal Regulations and outlined in the HQS Inspection Form.

2. Prior to the execution of the COC Rental Assistance Agreement, the unit will be inspected by HATC and the results documented on the HQS Inspection Form. If deficiencies are found, the owner shall be informed and shall be required to correct all deficiencies prior to the execution of the rental assistance agreement. Additional inspections may be conducted upon request.

3. On the initial inspection, the housing authority shall resolve all issues and certify HQS prior to the execution of the rental assistance agreement.

4. After initial lease up, each unit will be inspected annually or as required. If deficiencies are found, the owner and participant shall be informed in writing. The owner is responsible for completing all necessary repairs within 30 days, as stated on the notice. If the HQS violation constitutes an emergency and is life threatening, as determined by HATC, the property owner shall make necessary repairs within 24 hours. All units failing HQS will be re-inspected to determine compliance. If a unit does not meet HQS within the timeframe required, the COC rental assistance payment may be abated on the first day of the following month. If the required repairs are not completed within the next 90 days, the COC Rental Assistance Agreement may terminate immediately. When a COC rental assistance payment is withheld, the housing authority will notify both the owner and the participant in writing. This notification will inform both of the possibility of contract termination. Rental housing assistance payments will resume on the day it passes inspection following an abatement period if the participant decides to remain in the unit.

**D. HOUSING QUALITY STANDARDS**

Housing Quality Standards Inspections are completed in compliance with the requirements set forth in 24 CFR 982.401. Inspections are conducted before initial lease up, yearly or as determined by HATC’s policy and upon request by the participant or property owner.
• As of 2016, HATC adopted a biennial inspection process for all housing choice voucher programs however for all COC program participants, an inspection will be conducted annually.

PART I: PHYSICAL STANDARDS

GENERAL HUD REQUIREMENTS

HUD Performance and Acceptability Standards

HUD’s performance and acceptability standards for CoC-assisted housing are provided in 24 CFR 982.401. These standards cover the following areas:

• Sanitary facilities
• Food preparation and refuse disposal
• Space and Security
• Thermal Environment
• Illumination and electricity
• Structure and materials
• Interior Air Quality
• Water Supply
• Lead-based paint
• Access
• Site and neighborhood
• Sanitary condition
• Smoke Detectors

ADDITIONAL LOCAL REQUIREMENTS

HATC may impose additional quality standards as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choice. HUD
approval is required if more stringent standards are imposed. HUD approval is not required if HATC additions are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4)].

**Thermal Environment**

HATC must define a “healthy living environment” for the local climate. This may be done by establishing a temperature that the heating system must be capable of maintaining, that is appropriate for the local climate.

**HATC Policy**

The heating system must be capable of maintaining an interior temperature of 65 degrees Fahrenheit between October 1 and May 1.

**Clarifications of HUD Requirements**

**HATC Policy**

As permitted by HUD, HATC has adopted the following specific requirements that elaborate on HUD standards.

**Walls**

In areas where plaster or drywall is sagging, severely cracked, or otherwise damaged, it must be repaired or replaced.

**Windows**

Window sashes must be in good condition, solid and intact, and properly fitted to the window frame. Damaged or deteriorated sashes must be replaced.

Windows must be weather-striped as needed to ensure a weather-tight seal.

**Doors**

All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.

All exterior doors must meet the lock requirements established by the Texas Property Code Section 92.151. Doors cannot have double-key dead bolt locks.

All interior doors must have no holes, have all trim intact, and operate properly.
Floors
All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be re-secured and made level. If they cannot be leveled, they must be replaced.

All floors must be in a finished state. Raw wood or unsealed concrete is not permitted.

All floors should have some type of base shoe, trim, or sealing for a "finished look." Vinyl base shoe is permitted.

Sinks
All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

All broken or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

Security
If window security bars or security screens are present on windows that are required for egress, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

LIFE THREATENING CONDITIONS [24 CFR 982.404(a)]
HUD requires HATC to define life threatening conditions and to notify the owner or the family (whichever is responsible) of the corrections required. The responsible party must correct life-threatening conditions within 24 hours of PHA notification.

HATC Policy
The following are considered life-threatening conditions:

- Gas leak – This includes natural gas and propane supplied to the unit that is actively leaking.
- Exposed electrical wiring – Live/Hot electrical connections exposed in the interior or exterior of the unit.
- Structural damage – Damage to the unit, or any part of the unit, that appears to compromise the stability of the structure.
• Fire/smoke damage – Serious damage to the interior living areas caused by fire and smoke.
• Any other serious deficiency deemed to be potentially life threatening.

If an owner fails to correct life-threatening conditions as required by HATC, the housing assistance payment will be abated immediately following the correction period on the first of the month and the HAP contract will be terminated.

If a family fails to correct a family caused life threatening condition as required by HATC, HATC may terminate the family’s assistance.

OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]

Family Responsibilities
The family is responsible for correcting the following HQS deficiencies:
• Tenant-paid utilities not in service
• Failure to provide or maintain family-supplied appliances
• Damage to the unit or premises caused by a household member or guest beyond normal wear and tear. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

Owner Responsibilities
The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225]
If HATC is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than 6 years of age, living in an CoC-assisted unit has been identified as having an environmental intervention blood lead level, HATC must complete a risk assessment of the dwelling unit. The risk assessment must be completed in accordance with program requirements, and the result of the risk assessment must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.
Within 30 days after receiving the risk assessment report from HATC, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and 35.1330]. If the owner does not complete the “hazard reduction” as required, the dwelling unit is in violation of HQS and HATC will take action in accordance with Section 8-II.G.

PHA reporting requirements, and data collection and record keeping responsibilities related to children with an environmental intervention blood lead level.

**VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.403]**

If HATC determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, HATC must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, HATC must terminate the HAP contract in accordance with its terms.

**PART II: THE INSPECTION PROCESS**

**OVERVIEW [24 CFR 982.405]**

Types of Inspections

HATC conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

- *Initial Inspections*. HATC conducts initial inspections in response to a request from the family to approve a unit for participation in the COC program. The unit must pass the HQS inspection before the effective date of the HAP Contract.

- *Annual Inspections*. HUD requires HATC to inspect each unit under lease at least annually to confirm that the unit still meets HQS. The inspection may be conducted in conjunction with the family’s annual reexamination but also may be conducted separately.

- *Special Inspections*. A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between annual inspections.

- *Quality Control Inspections*. HUD requires that a sample of units be re-inspected by a supervisor or other qualified individual to ensure that HQS are being enforced correctly and uniformly by all inspectors.
Inspection of PHA-owned Units [24 CFR 982.352(b)]

HATC must obtain the services of an independent entity to perform all HQS inspections in cases where a family is receiving assistance in a HATC-owned unit. A HATC-owned unit is defined as a unit that is owned by HATC that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by HATC). The independent agency must communicate the results of each inspection to the family and HATC. The independent agency must be approved by HUD, and may be the unit of general local government for HATC jurisdiction (unless HATC is itself the unit of general local government or an agency of such government).

Inspection Costs

HATC may not charge the family or owner for unit inspections [24 CFR 982.405(e)]. In the case of inspections of PHA-owned units, HATC may compensate the independent agency from ongoing administrative fee for inspections performed. HATC and the independent agency may not charge the family any fee or charge for the inspection [24 CFR 982.352(b)].

Notice and Scheduling

The family must allow HATC to inspect the unit at reasonable times with reasonable notice [24 CFR 982.551(d)].

HATC Policy

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m. Generally, inspections will be conducted on business days only. In the case of a life-threatening emergency, HATC will give as much notice as possible, given the nature of the emergency.

Owner and Family Inspection Attendance

HUD permits HATC to set policy regarding family and owner presence at the time of inspection.

HATC Policy

At the time of the inspection, if the family occupies the unit, an adult family member or an adult designated by the family must be present for the inspection. The family may notify the inspector that the family will not be present but that the property owner or manager will be present for the inspection. HATC staff will not enter an occupied unit without the presence of an adult family member, property owner, manager or property owner’s representative. The family may request to reschedule the inspection appointment prior to the inspection date with good cause.
At initial inspection of a vacant unit, HATC will gain access as instructed by the owner and inspect the unit. The presence of the owner, owner’s representative, or family representative is permitted, but is not required.

INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timing of Initial Inspections

HUD requires the unit to pass HQS before the effective date of the lease and HAP Contract.

HATC Policy

HATC will complete the initial HQS inspection, determine whether the unit satisfies HQS and Rent Reasonableness, and notify the owner and the family of the determination within 15 days of submission of the Tenancy Approval form. The 15-day period will be suspended for any period during which the unit is not available for inspection.

Inspection Results and Re-inspections

HATC Policy

If any HQS violations are identified, the owner will be notified of the deficiencies. HATC will re-inspect the unit within 3 business days of the date the owner notifies HATC that the required corrections have been made.

A time frame of 30 days will be given to correct the deficiencies. However, if the deficiencies are not corrected in the time frame, and the family decides to reject the unit, HATC will notify the owner that the unit has been rejected and that the family must search for another unit.

Utilities

Generally, at initial lease-up the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

HATC Policy

All utility connections must be established prior to the initial inspection. The owner and family are required to coordinate to ensure that utility service is connected prior to the inspection date.

Appliances

HATC Policy

If the family is responsible for supplying the stove and/or refrigerator, HATC will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place and inspected by HATC prior to executing the HAP
contract. HATC will re-inspect the unit within 2 business days of notification to confirm appliances are installed and working properly.

ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

Scheduling the Inspection

Each unit under HAP contract must have an annual inspection no more than 12 months after the most recent inspection.

HATC Policy

If an adult family member cannot be present on the scheduled date, the family should request that HATC reschedule the inspection. HATC and the family will agree on a new inspection date that generally should take place within 5 business days of the originally scheduled date. HATC may schedule an inspection more than 5 business days after the original date for good cause.

If the family misses the first scheduled appointment without requesting a new inspection date, HATC will automatically schedule a second inspection. If the family misses two scheduled inspections without PHA approval, HATC will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family’s assistance.

SPECIAL INSPECTIONS

HATC will conduct a special inspection if the owner, family, or another source reports HQS violations in the unit.

HATC Policy

The owner and family are required to provide maintenance request in writing to the other party prior to requesting a special inspection. Excluding life threatening conditions, a reasonable amount of time must be provided to respond to, and complete the repairs. Requests for special inspections need to be made in writing explaining the reason for the request and include a copy of the written maintenance request submitted to the other party.

During a special inspection, HATC generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.
If the annual inspection has been scheduled or is due within 30 days of the date the special inspection is scheduled, HATC may elect to conduct a full annual inspection.

INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT

Notification of Corrective Actions

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, HATC will determine (1) whether or not the failure is a life threatening condition and (2) whether the family or owner is responsible.

HATC Policy

When life-threatening deficiencies are identified, HATC will immediately notify both parties by telephone, facsimile, or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of HATC’s notice.

When non-life threatening deficiencies are identified, HATC will send the owner and the family a written notification of the inspection results within 3 business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected.

Corrections need to be made within 30 days.

The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life threatening conditions are not corrected within 30 days (or any PHA-approved extension), the owner’s HAP will be abated in accordance with PHA Policy (see 8-II.G.). Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame, the family’s assistance will be terminated in accordance with PHA Policy.

Extensions

For conditions that are life threatening, HATC cannot grant an extension to the 24-hour corrective action period. For conditions that are not life-threatening, HATC may grant an exception to the required time frames for correcting the violation, if HATC determines that an extension is appropriate [24 CFR 982.404].

HATC Policy
Extensions will be granted in cases where HATC has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available. A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis, but will not exceed 30 days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 15 calendar days, once the weather conditions have subsided.

**Re-inspections**

**HATC Policy**

HATC will schedule a re-inspection within 5 business days of the notification by the owner or family that the deficiencies have been corrected.

The family and owner will be given reasonable notice of the re-inspection appointment. If the deficiencies have not been corrected at the time of the re-inspection, the owner and family will be notified via telephone, facsimile, or email. If HATC is unable to gain entry to the unit in order to conduct the scheduled re-inspection, HATC will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance.

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**ENFORCING OWNER COMPLIANCE**

If the owner fails to maintain the dwelling unit in accordance with HQS, HATC must take prompt and vigorous action to enforce the owner obligations.

**HAP Abatement**

If an owner fails to correct HQS deficiencies by the time specified by HATC, HUD requires HATC to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.3(f)]. No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.
HATC Policy

HATC will make all HAP abatements effective the first of the month following the expiration of HATC’s specified correction period (including any extension).

HATC will inspect abated units within 5 business days of the owner’s notification that the work has been completed. Payment will resume effective on the day the unit passes inspection.

During any abatement period, the family continues to be responsible for their share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

HAP Contract Termination

HATC must decide how long any abatement period will continue before the HAP contract will be terminated. HATC should not terminate the contract until the family finds another unit, provided the family does so in a reasonable time and must give the owner reasonable notice of the termination. HATC will issue a voucher to permit the family to move to another unit.

HATC Policy

The maximum length of time that a HAP contract may be abated is 90 days. However, if the owner completes corrections and notifies HATC before the termination date of the HAP contract, HATC may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes inspection.

A 30-day notice to terminate the HAP contract will be provided.

ENFORCING FAMILY COMPLIANCE WITH HQS

Families are responsible for correcting any HQS violations. If the family fails to correct a violation within the period allowed by HATC (and any extensions), HATC will terminate the family’s assistance.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

RENT REASONABLENESS [24 CFR 982.507]
OVERVIEW

No HAP contract can be approved until HATC has determined that the rent for the unit is reasonable. The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit rented under the COC program.

HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area. HUD also requires that owners not charge more for assisted units than for comparable units on the premises. This part explains the method used to determine whether a unit’s rent is reasonable.

The housing authority shall conduct annual rent reasonableness surveys on all units rented by COC participants. In addition, surveys shall be conducted for all units about to be rented by new program participants; when a participant moves to a different unit; and when a property owner raises or lowers an existing participant’s contract rent.

The rent for a CoC-assisted unit may not exceed the reasonable rent for that area.

PHA-owned Units

In cases where a COC family is receiving assistance in a HATC-owned unit, HATC must obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. A HATC-owned unit is defined as a unit that is owned by HATC that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by HATC). The independent agency must communicate the results of the rent reasonableness determination to the family and HATC. The independent agency must be approved by HUD, and may be the unit of general local government for HATC jurisdiction (unless HATC is itself the unit of general local government or an agency of such government).

WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED

Owner-initiated Rent Determinations

HATC must make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment.
The owner and family first negotiate the rent for a unit. HATC (or independent agency in the case of PHA-owned units) will assist the family with the negotiations upon request. At initial occupancy, HATC must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless any failed items identified by the most recent HQS inspection have been corrected.

HATC 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, HATC 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, HATC will consider unit size and length of tenancy in the other units.

HATC will determine whether the requested increase is reasonable within 3 business days of a "Passed" HQS inspection, or if no inspection is due, within 10 business days of receipt of the request. The owner will be notified of the determination in writing.

After the initial occupancy period, all rent adjustments will be effective the first of the month following 60 days after HATC's receipt of the owner's request for increase or on the date specified by the owner, whichever is later.

PHA- and HUD-Initiated Rent Reasonableness Determinations

HUD requires HATC to make a determination of rent reasonableness (even if the owner has not requested a change) if there is a 5 percent decrease in the Fair Market Rent that goes into effect at least 60 days before the contract anniversary date. HUD also may direct HATC to make a determination at any other time. HATC may decide that a new determination of rent reasonableness is needed at any time.

HATC Policy

In addition to the instances described above, HATC will make a determination of rent reasonableness at any time after the initial occupancy period if: (1) HATC determines that the initial rent reasonableness determination was in error or (2) HATC determines that the information provided by the owner about the unit or other units on the same premises was incorrect.

HOW COMPARABILITY IS ESTABLISHED

Factors to Consider
HUD requires PHAs to take into consideration the factors listed below when determining rent comparability. HATC may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the COC assisted unit.

- Location and age
- Unit size including the number of rooms and square footage of rooms
- The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise)
- The quality of the units including the quality of the original construction, maintenance and improvements made.
- Amenities, services, and utilities included in the rent

**Units that Must Not be Used as Comparables**

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d) (3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance.

**Rents Charged for Other Units on the Premises**

The Tenancy Approval form requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than 4 units. By accepting HATC payment each month the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give HATC information regarding rents charged for other units on the premises.

**PHA RENT REASONABLENESS METHODOLOGY**

**How Market Data is Collected**

HATC Policy
HATC will collect and maintain data on market rents in HATC’s jurisdiction by utilizing sources including: newspapers, realtors, market surveys, inquiries of owners, GoSection8 Web resource, and other available sources.

The data will be maintained on www.gosection8.com website by bedroom size and market areas. Zip codes, census tract, neighborhood, and identifiable natural or man-made boundaries may define market areas. The data will be updated on an ongoing basis.

How Rents are Determined

HATC Policy

The rent for a unit proposed for COC assistance will be compared to the rent charged for comparable unassisted units in the same market area.

Because units may be similar, but not exactly like the unit proposed for COC assistance, HATC may make adjustments to the range of prices to account for these differences.

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).

The adjustment must reflect the rental value of the difference not its construction costs (e.g., it might cost $20,000 to put on a new roof, but the new roof might not make any difference in what a participant would be willing to pay because rental units are presumed to have functioning roofs).

When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of $500/month but new tenants receive the first month’s rent free, the actual rent for the unit would be calculated as follows: $500 x 11 months = 5500/12 months = actual monthly rent of $488.

HATC will notify the owner of the rent HATC can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. HATC will confirm the accuracy of the information provided and consider this additional information when making rent determinations. The owner must submit any additional information within 5 business days of HATC’s request for information or the owner’s request to submit information.
Note: This document provides an overview of HQS. For more detailed information see the following documents:

- 24 CFR 982.401, Housing Quality Standards (HQS)
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Sanitary Facilities
The dwelling unit must include sanitary facilities within the unit. The sanitary facilities must be usable in privacy and must be in proper operating condition and adequate for personal cleanliness and disposal of human waste.

Food Preparation and Refuse Disposal
The dwelling unit must have space and equipment suitable for the family to store, prepare, and serve food in a sanitary manner.

Space and Security
The dwelling unit must provide adequate space and security for the family. This includes having at least one bedroom or living/sleeping room for each two persons.

Thermal Environment
The unit must have a safe system for heating the dwelling unit. Air conditioning is not required but if provided must be in proper operating condition. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

Illumination and Electricity
Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. Minimum standards are set for different types of rooms. Once the minimum standards are met, the number, type and location of electrical sources are a matter of participant preference.

Structure and Materials
The dwelling unit must be structurally sound. Handrails are required when four or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are thirty inches or more off the ground. The elevator servicing the unit must be working [if there is one]. Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.

Interior Air Quality
The dwelling unit must be free of air pollutant levels that threaten the occupants’ health. There must be adequate air circulation in the dwelling unit. Bathroom areas must have one open able window or other adequate ventilation. Any sleeping room must have at least one window. If a window was designed to be opened, it must be in proper working order.
Water Supply
The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

Lead-Based Paint
Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children less than six years of age, excluding zero bedroom dwellings. Owners must:
- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- Provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities when identified by HATC
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance, ask each family to report deteriorated paint.
For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by HATC). If lead hazards are identified during the risk assessment, the owner must complete hazard reduction activities.

Access
Use and maintenance of the unit must be possible without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire.

Site and Neighborhood
The site and neighborhood must be reasonably free from disturbing noises and reverberations, excessive trash or vermin, or other dangers to the health, safety, and general welfare of the occupants.

Sanitary Condition
The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. The unit must have adequate barriers to prevent infestation.

Smoke Detectors
Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If any person with a hearing impairment occupies the dwelling unit, smoke detectors must have an appropriate alarm system as specified in NFPA 74 (or successor standards).

Hazards and Health/Safety
The unit, interior and exterior common areas accessible to the family, the site, and the surrounding neighborhood must be free of hazards to the family's health and safety.

E. Environmental Review/Lead Based Paint Policy

1. HUD’s mission is to provide a decent, safe, and sanitary home and suitable living environment for every American. To meet this mission and satisfy other federal environmental standards and requirements, all HUD funded housing programs are subject to Environmental Reviews.

There are different levels of Environmental Review for different COC activities.

<table>
<thead>
<tr>
<th>COC Activity</th>
<th>Level of Review</th>
<th>Regulatory Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant-Based</td>
<td>Not required.</td>
<td>58.35(b)(1)</td>
</tr>
<tr>
<td>Sponsor-Based and Project-Based</td>
<td>Categorically excluded from NEPA. Use HUD 1-page form: Environmental Review for Residential Leasing Activities</td>
<td>58.35</td>
</tr>
</tbody>
</table>

The environmental review will be completed by a “Responsible Entity,” which is defined as a unit of local government within which the project is located that exercises land use responsibility. The City of Austin will serve as the “Responsible Entity” for this purpose.

2. Lead-Based Paint Policy

   Overview

   a. All households regardless of composition will be given the brochure “Protect Your Family from Lead in the Home” at the COC Briefing and be provided with the form “Disclosure on Lead-Based Paint” to complete with their landlord if the landlord has not already provided such form.

   b. Inspections

The Lead-Based Paint section of the HQS applies only to dwelling units occupied or to be occupied by families or household that have one or more children of less than 6 years of age, common areas servicing such dwelling units, and exterior painted surfaces associated with such dwelling units or
common areas. Common areas servicing a dwelling unit include those areas through which residents pass to gain access to the unit and other areas frequented by resident children of less than 6 years of age, including on-site play areas and childcare facilities.

c. All units as described above will be inspected for Lead-Based paint deterioration as defined in HQS form 52580-A.

SECTION 6 - ON-GOING OCCUPANCY

A. WORKING WITH LANDLORDS

HATC will aim to develop and foster close working relationship with property owners of quality, rental housing.

a. Tenancy Approval

HATC shall require property owners to provide the following prior to execution of the COC Rental Assistance Agreement:

- Proof of ownership for the specific rental property in the form of a Deed;
- Name, address, and telephone number of the owner;
- Name(s) of agent or property manager;
- An owner’s authorization allowing the agent or property manager to act on their behalf and/or sign documents;
- Tax ID or Social Security Number; and
- Completed W-9 form signed by the Owner or Authorized Representative.

b. COC Payment to Landlord
HATC will track the timely disbursement of COC payments to property owners. HATC shall make rent payments to property owners on a monthly basis. The Director will review payments prior to issuance to ensure correct payout. Additionally, the Director as part of the monthly file screening process will check payments for accuracy after issuance.

Payments are disbursed by direct deposit by the first of each month but no later than the 5th.

**B. COC PROGRAM FAMILY OBLIGATIONS**

Obligations of the family are described in the Family Obligations form. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. HATC informs families of these obligations during the oral briefing and provides in written form.

Families must meet these obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance.

Following is a listing of a participant family’s obligations under the COC program:

- The family must supply any information that HATC or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by HATC or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must attend scheduled annual re-certification and other scheduled appointments.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.
• The family must allow HATC to inspect the unit at reasonable times and after reasonable notice.

• Families must also report changes in family composition or circumstances in writing within 30 days of occurrence.

• The family must not commit any serious or repeated violation of the lease.

**HATC Policy**

HATC will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner’s notice to evict.

• The family must notify HATC and the owner at least 30 days before moving out of the unit or terminating the lease.

**HATC Policy**

The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to HATC at the same time the owner is notified.

• The family must pay their rent portion to the property owner on the first of each month or by the specified date on the lease.

• The family must pay only the participant rent portion indicated on the lease or lease addendum rent notice provided by HATC.

• The family must promptly give HATC a copy of any owner eviction notice.

• The family must use the assisted unit for residence by the family. The unit must be the family’s only residence.

• The composition of the assisted family residing in the unit must be approved by HATC. The family must promptly notify HATC in writing of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

**HATC Policy**

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. HATC will determine eligibility of the new member.
• The family must promptly notify HATC in writing if any family member no longer lives in the unit.

• If HATC has given approval, a foster child or a live-in aide may reside in the unit. HATC has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides.

• The family must not sublease the unit, assign the lease, or transfer the unit.

  HATC Policy

  Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

• The family must supply any information requested by HATC to verify that the family is living in the unit or information related to family absence from the unit.

• The family must promptly notify HATC when the family is absent from the unit.

  HATC Policy

  Notice is required under this provision when any individual family member or all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to HATC at the start of the extended absence.

• The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease.

• The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).

• Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.

• Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

• Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.
• An assisted family or member of the family must not receive COC program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.

C. ANNUAL/INTERIM RE-CERTIFICATION

Annual re-certifications are required for participants. Re-certifications are a verification of a) household income, b) household composition, and c) continuing household HQS compliance. The amount of rent a participant pays toward their contract rent may be increased or decreased as a result of changes documented by the recertification process.

Changes in income or family composition must be reported in writing by the family via the update form to the housing authority within 30 days of the change. The housing authority will then verify the change, obtain required documentation, and make an appropriate determination as to the new amount, if applicable, of the participant's share of the rent and the amount of COC rental assistance agreement’s contract rent.

All participant rental units shall be inspected by HATC as part of the annual recertification process to ensure HQS continue to be met. Participants shall be notified in writing of the impending re-certification two to three months prior to the re-certification date. Interim HQS inspections may also be if requested by the property owner or program participant.

RECERTIFICATION OF INCOME PROCEDURES

HATC will schedule annual reexaminations to coincide with the family's anniversary date. HATC will begin the annual reexamination process approximately 90-120 days in advance of its scheduled effective date.

*Anniversary date* is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).
HATC Policy

Families are required to complete annual reexaminations either in person or by mail. In person interviews must be attended by the head of household, spouse, or co-head. If participation in an in-person interview poses a hardship because of a family member’s disability, the family should contact HATC to request to complete the annual reexamination by mail. If the reexamination is conducted by mail, the policy below will apply. Approximately, 90 days prior to the family’s reexamination anniversary date, notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact HATC at least 2 business days in advance of the interview to schedule a new appointment. If a family does not attend the first scheduled interview, HATC will automatically send a second reexamination notification with a new interview appointment time.

If a family fails to attend two scheduled reexamination interviews without HATC approval, or if the notice is returned by the post office with no forwarding address, a notice of termination will be sent to the family’s address of record. An advocate, interpreter, or other assistant may assist the family in the interview process. If someone assists the family in completing the certification packet, it should be noted in writing and signed by the individual who assisted.

Annual reexamination conducted by mail

HATC may choose to conduct reexaminations by mail for some participants and in person for others. HATC may decide to conduct reexaminations by mail for elderly or disabled participants, or for participants with specified income sources (for example, participants whose only source of income is Social Security/SSI or TANF). Notification of the annual reexamination will be sent by first-class mail and will inform the family of the information and documentation that must be provided to HATC, and the deadline for providing it. Documents will be accepted by mail, email, by fax, or in-person.

If the notice is returned by the post office with no forwarding address, a notice of termination will be sent to the family’s address of record, as well as to any alternate address provided in the family’s file.

An interview will be scheduled if the family requests assistance in providing information or documentation requested by HATC.
If the family is unable to attend a scheduled interview, the family should contact HATC in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, HATC will send a second notification with a new interview appointment time.

Families that fail to attend two scheduled interviews without HATC approval will be sent a notice of termination.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and the PHA must execute a certification attesting to the role and assistance of any such third party.

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a HATC designated reexamination certification packet, consent forms, as well as supporting documentation related to the family’s income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 14 calendar days of the interview. A 14-day letter that details what documentation or information must be submitted will be issued to the head of household at the interview. If the family is unable to obtain the information or materials within the required time frame, the family may be granted an extension. If the family does not provide the required documents or information within the required time frame plus any approved extensions, the family will be sent a notice of termination.

The information provided by the family generally must be verified in accordance with the verification policies.

1. VERIFICATION of INCOME, ASSETS AND DEDUCTIONS

FAMILY CONSENT TO RELEASE OF INFORMATION

The family must supply any information that the HATC or HUD determines is necessary to the administration of the program and must consent to HATC verifying that information. Adult family members must sign consent forms as needed to collect information relevant to the family’s eligibility and level of assistance.
Penalties for Failing to Consent
If any family member who is required to sign a consent form fails to do so, HATC will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with HATC procedures.

OVERVIEW OF VERIFICATION REQUIREMENTS

Requirements for Acceptable Documents

HATC Policy
Any documents used for verification must be the original (not photocopies) and must be dated within 60 days of the date they are provided to HATC. The documents must not be damaged, altered or in any way illegible.

HATC will accept documents dated up to 6 months before the effective date of the family’s reexamination if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity provides semi-annual reports, HATC would accept the most recent report.

Printouts from web pages are considered original documents.

HATC staff member who views the original document must make a photocopy and date stamp the document. Any family self-certifications/participant declaration must be made in a format acceptable to HATC and must be signed by the family member whose information or status is being verified.

File Documentation
HATC must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family’s file in sufficient detail to demonstrate that HATC has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

HATC Policy
HATC will document, in the family file, the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing the adjusted income or income-based rent determination.

When HATC is unable to obtain 3rd party verification, HATC will document in the family file the reason that third-party verification was not available.

HATC will use the most reliable form of verification that is available to document the reasons when HATC uses a lesser form of verification. In order of priority, the forms of verification that HATC will use are:

- Up-front Income Verification (UIV) using a non-HUD system
- Written Third-Party Verification (may be provided by applicant or participant)
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification/Participant Declaration

Each of the verification methods is discussed in subsequent sections below.

**UP-FRONT INCOME VERIFICATION (UIV)**

Up-front income verification (UIV) refers to the HATC’s use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to HATC.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until HATC has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of HATC.

**Upfront Income Verification Using Non-HUD Systems**

**HATC Policy**

HATC will inform all applicants and residents of its use of the following UIV resources during the admission process and reexamination process:
Office of Attorney General child support income portal

The Work Number

Other resources that become available to HATC

THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD’s current verification hierarchy defines two types of written third-party verification. The more preferable form, “written third-party verification,” consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to HATC by the family. If written third-party verification is not available, HATC must attempt to obtain a “written third-party verification form.” This is a standardized form used to collect information from a third party.

Written Third-Party Verification

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

HATC is required to obtain, at minimum, two current and consecutive pay stubs and up to six current and consecutive pay stubs for determining annual income from wages.

HATC may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

HATC Policy

Third-party documents provided by the family must be dated within 60 days of the HATC request date.

If HATC determines that third-party documents provided by the family are not acceptable, HATC will explain the reason to the family and request additional documentation.

As verification of earned income, HATC will request pay stubs generated by a third party source dated either within the 60-day period preceding the reexamination or HATC’s request.
Checking and Savings Accounts
HATC will use acceptable participant provided documents generated by a third party source, to include current bank statements dated either within a 60-day period preceding the reexamination or HATC request. Statements must contain at a minimum: bank name, client name, account type and balance. For both checking and savings accounts, the value used in the rent calculation will be the current balance.

Written Third-Party Verification Form
When upfront verification is not available and the family is unable to provide written third-party documents, HATC must request a written third-party verification form. HUD’s position is that this traditional third-party verification method presents administrative burdens and risks, which may be reduced with family-provided third-party documents.

A written third-party verification form is mandatory when there is an unreported source of income or a substantial difference in reported income ($2400 annually or more) and there is no UIV or tenant-provided documentation to support the income discrepancy.

HATC may mail, fax, or e-mail third-party written verification form requests to third-party sources.

HATC Policy
The HATC will send third-party verification forms directly to the third party.

Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by HATC.

Oral Third-Party Verification
Oral third-party verification is mandatory if neither form of written third-party verification is available.

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., 10 business days.

HATC should 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.

HATC Policy
In collecting third-party oral verification, HATC staff will record in the family’s file the name and title of the person contacted, the date of the conversation (or attempt), the telephone number used, and the facts provided. When any source responds verbally to the initial written request for verification, HATC will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

**When Third-Party Verification is Not Required**

Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family’s total tenant payment.

**HATC Policy**

HATC will diligently seek third-party verification using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received within 10 business days.

If it is not cost effective, a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family. HATC may mail, fax, e-mail, or hand deliver third-party written verification requests and will accept third-party responses using any of these methods. HATC will send a written request for verification to each required source within 5 business days of securing a family’s authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11th business day, HATC will request third-party oral verification.

HATC will make a minimum of two attempts, one of which may be oral, to obtain third-party verification. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file. Regarding third-party oral verification, PHA staff will record in the family’s file the name and title of the person contacted, the date of the conversation (or attempt), the telephone number used, and the facts provided.
When any source responds verbally to the initial written request for verification HATC will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

If a third party agrees to confirm in writing the information provided orally, HATC will wait no more than 5 business days for the information to be provided. If the information is not provided by the 6th business day, HATC will use any information provided orally in combination with reviewing family-provided documents.

When Third-Party Information is Late
When third-party verification has been requested and the timeframes for submission have been exceeded, HATC will use the information from documents on a provisional basis. If HATC later receives third-party verification that differs from the amounts used to process the re-examination, HATC will conduct an interim reexamination to adjust the figures used for the reexamination.

When Third-Party Verification is Not Required
Primary Documents
Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Imputed Assets
HUD permits HATCs to accept a self-certification from a family as verification of assets disposed of for less than fair market value.

HATC Policy
HATC will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

SELF-CERTIFICATION

Self-certification, or "participant declaration," is used as a last resort when HATC is unable to obtain third-party verification.
When HATC relies on a tenant declaration for verification of income, assets, or expenses, the family’s file must be documented to explain why third-party verification was not available.

**HATC Policy**

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the HATC.

HATC may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification/participant declaration must be made in a format acceptable to HATC and must be signed by the family member whose information or status is being verified.

**SECTION 7 - COC TERMINATION**

**Termination Policy**

HATC will make every effort to maintain COC rental assistance with the participant. However, there are circumstances in which there may be a need for some type of termination – either occupancy agreement or from the COC program itself.

1. **Termination of COC Rental Assistance**
   The housing authority will make every effort to maintain COC assistance for each program participant. The housing authority and its partners will make decisions on termination of COC rental assistance. The housing authority will allow COC rental assistance to former participants who were previously terminated. The housing authority may terminate COC rental assistance payments in accordance with federal regulations, HATC Policies and Procedures, the COC Assistance Agreement and participants’ obligations under the COC acknowledgement agreement.

   The housing authority will provide due process in regards to considering terminations including:
   - Attempt to obtain any lease violation notices from participant and landlord in an effort to collaboratively (HATC, IC, landlord and participant) resolve issues before resulting in eviction proceedings;
• If landlord and participant agree to mutual termination of the lease, and the lease violations are not serious or repeated, a voucher will be provided to participant to relocate to a different unit;

• Upon receiving lease violation notices, HATC will determine if the lease violations were serious and repeated. If lease violations were serious and repeated violations of the lease and there’s a prior history of lease violations, the participant and the case manager at IC as well as current landlord will be mailed a possible termination notice from the program providing participant an opportunity for an informal hearing;

• Written notice to the participant containing a statement of the reason for the termination;

• A review of the decision, when the participant has the opportunity to present objections before someone other than the person who made or approved the termination decision; and

• Prompt written notice of the final decision to the participant.

If rental assistance from HATC is being terminated, participants will be afforded a due process informal hearing to challenge the reason for termination of assistance. The participant is required to request the informal hearing within the required timeframe specified in the notification letter. The informal hearing officer will be a neutral party who is not directly involved in the program and will return a verdict from the hearing.

**Appeal Policy**

**A. Appeal of Initial COC Eligibility Determination**

a. The housing authority will inform the applicant of their denial in writing along with the reason for the denial.

b. The applicant will be allowed to request an informal review regarding the denial within 10 business days of when the written notice is mailed.

c. A hearing officer will hold the informal review from the housing authority and a representative from IC. Other representatives assisting program participant such as key witnesses, property owners, legal aid etc. will be allowed upon the program participant’s request.

d. The housing authority in collaboration with IC shall make the decision on such an appeal by an applicant.

**B. Appeal of Program Termination**

A participant may be terminated from the program for the following reasons:
• The Participant is evicted from a unit assisted under the COC program;
• The Participant provides false information or commits any fraud in connection with the COC Program or fails to cooperate with required re-certifications;
• Funding for the HATC’s COC Program is terminated; and/or
• The family violates any Family Obligations under the COC program.

If a participant’s rental assistance is subject to termination because of violations of family obligations under the COC Program, the participant will be offered due process in the form of an informal hearing.

a. A notice of termination of assistance will be provided by HATC to the family in writing describing the reason for the termination and the date of termination.

b. If the family disagrees with the termination, the family may provide a written or verbal appeal within 10 business days to HATC.

c. The housing authority will schedule and send notice of the informal hearing to the family within 30 calendar days of the family’s request.

d. HATC’s Informal Hearing Officer will conduct the informal hearing. The Informal Hearing Officer will issue a written decision to the family and IC within 10 business days after the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the informal hearing.
Appendix 1

HOUSING AUTHORITY OF TRAVIS COUNTY (HATC)

SPECIAL POPULATIONS PARTICIPATION PLAN

for

HATC Administrative Policies and Procedures

&

Continuum of Care Policy and Procedures
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PART I. INTRODUCTION

The Housing Authority of Travis County (HATC) seeks to involve citizens and community stakeholders, particularly special populations, in the development of its policies and procedures that affect its current and future residents. This includes HATC’s Admissions and Continued Occupancy Plan (ACOP); Housing Choice Voucher Administrative Plan; Continuum of Care Program Administrative Plan/Standard Operating Procedures; and all other applicable administrative policies and procedures. As HATC is a long-term recipient of Continuum of Care (CoC) Grant funding, the Code of Federal Regulations (CFR) outlines specific requirements for the participation of homeless persons.

As it relates to the Continuum of Care and it’s grant recipient (HATC is grant recipient), the requirements of 24 CFR 578.75(g) states: “Each recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this part. This requirement is waived if a recipient is unable to meet such requirement and obtains HUD approval for a plan to otherwise consult with homeless or formerly homeless persons when considering and making policies and decisions.”

Encouragement of Citizen Participation

This Plan provides for and encourages public participation, emphasizing involvement by low and moderate-income people, especially those in special populations (homeless, disabled, veterans, etc.), current and former public housing residents, and those living in predominantly low and moderate-income neighborhoods.

Copies of this Plan, as well as summaries of basic information about HATC programs that serve traditionally underserved populations, will be included on the Agency’s website – [www.hatctx.com](http://www.hatctx.com) – and at HATC Administrative Offices.

Participants in the Plan

Many different groups are instrumental in the Special Populations Participation Plan process and in ensuring that its objectives are carried out. This section identifies each group and their role in the process.

**Ending Community Homelessness Coalition (ECHO)**

(ECHO) is charged with providing proactive leadership that engages policy makers and the community in ending homelessness in the Austin-Travis County area. In order to accomplish this, ECHO engages in a variety of activities including: Coordinating the annual Housing & Urban Development (HUD) Continuum of Care application for the region; Conducting the annual homeless count; Providing outreach through the annual Homeless Fair and Women’s Homeless Fair; Serving as the homeless planning entity for the community; and Advocating for homeless issues.
**Integral Care Services (IC)**

Integral Care (IC) provides community-based services for Travis County residents with brain-based disorders. Integral Care’s historical beginning marked the first time that public, community-based behavioral health and intellectual disabilities services became available, known as community centers. Integral Care was known as the Austin Travis County Mental Health Mental Retardation Center until September 2009, when its name was changed to reflect evolving attitudes and terminology and to honor the dignity of people who seek their services. IC provides on-going supportive services to HATC’s clients participating in the Continuum of Care program.

**Citizens**

The primary purpose of the programs covered by this Special Populations Participation Plan is to improve communities by providing decent housing; a suitable living environment; and growing economic opportunities. All activities are principally for low and moderate-income people, and therefore, HATC policies related to these special populations should involve low-income residents who experience challenges of poverty and/or substandard housing.

**PART II. PUBLIC NOTICE / NOTIFICATION**

**A. Items Covered by the Public Notice Requirement**

Advanced notice will be given with enough lead-time for the public and all other community stakeholders to take informed action. The amount of lead-time can vary depending on the relevant policy and the extent of the proposed change. The content of the notices will give all stakeholders a clear understanding of the administrative policy being considered.

There shall be advanced public notice whenever proposed changes to a relevant HATC document are being brought forward. These would include Five Year and Annual Action Plan, Admissions and Continued Occupancy Policy/Plan; Housing Choice Voucher Administrative Plan; and Continuum of Care Administrative Plan.

In addition, there shall be advanced public notice of all public hearings related to the funds or planning process covered by this Special Populations Participation Plan.

**B. Forms of Public Notice**

The following represents forms of Public Notice:

- Public notices will be published in the *Austin-Statesman* as display advertisements in a non-legal section of this newspaper.
- Display ads and press releases in public service announcements may also be used.
▪ Notice will be given through letters to HATC Resident Councils, Travis County, and agencies providing services to minorities, non-English speaking persons, persons with disabilities, homeless and formerly homeless persons.
▪ Notice will be sent to any person or organization requesting to be on a mailing list.
▪ Notice will be posted on the Housing Authority of Travis County web page at www.hatctx.com.
Part III. Public Access to Information

Housing Authority of Travis County will provide the public with reasonable and timely access to information and records related to the data or content of relevant Plan document revisions under consideration, as well as the associated funding implications – past and future, related to the item itself.

A. Standard Documents

Standard documents include:

- Five Year and Annual Action Plan
- Admissions and Continued Occupancy Policy/Plan
- Housing Choice Voucher Administrative Plan
- Continuum of Care Administrative Plan.

B. Availability of Standard Documents

In the spirit of encouraging public participation, a limited number of copies of standard documents will be provided to the public with three working days of a request. These materials will be available in a form accessible to persons with disabilities if requested.

C. Places Where Standard Documents Are Available

Standard documents will be available at the Housing Authority of Travis County Administrative Office, 502 East Highland Mall Boulevard, Suite 106-B, Austin, TX.

D. Public Hearings

Public hearings are required by law in order to obtain the public’s views and to provide the public with HATC’s response to public questions and proposals.

Public hearings will be held in conjunction to HATC’s regular board meetings as deemed necessary throughout the particular policy/standard document review process to provide info on proposed policy changes, if any.

1. Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in the Public Notice Section of this Plan.

2. Public Hearings and Populations with Unique Needs

All public hearings will be held at HATC Administrative Office, a location that is accessible to people with disabilities, and provisions will be made for people with disabilities when requests are made at least five working days prior to hearing.
Part IV. The Participation Process

A. Identifying Needs

In order to encourage public involvement, at least one public hearing to determine the specific needs and priorities within the purview of the relevant policy document changes up for consideration will be held the HATC Administrative Office, or at a location within the community.

B. Discussions specifically related to homeless persons

In a targeted, focused effort to solicit the input of those with an interest in HATC policies adequately addressing the needs of the homeless, the following strategies will be employed:

a. Targeted Outreach. At the time of any HATC policy change consideration affecting Travis County’s homeless population, HATC will send direct mailers and/or emails to all of its current Continuum of Care participants, in addition to associated Permanent and Supportive Housing services providers, partners and the like, inviting them to participate in focus groups to discuss such policy changes.

b. Board of Commissioners Standing Committee. HATC Board of Commissioners Governance, Finance, and Administration Standing Committee will be invited to participate in the aforementioned focus groups. Subsequently, the Subcommittee will confer with staff and service providers to formalize policy recommendations for full Board consideration.

c. Public Hearing. Direct contact and due notice of public hearings held to discuss HATC policy document changes that specifically impact the area’s homeless population will be made to interested parties previously engaged in dialogue leading up formulation and presentation of proposed policy changes. At the time of the hearing, community stakeholders will have the opportunity to address the full board directly. The Board of Commissioners will receive transcripts and all written correspondence related to the subject matter.
Appendix 2

HOUSING AUTHORITY OF TRAVIS COUNTY (HATC)

Violence Against Women’s Act (VAWA)

for

Continuum of Care Policy and Procedures

TABLE OF CONTENTS:

Part 1: Austin/Travis County ECHO approved Continuum of Care VAWA Policies and Procedures
Part 2: HATC’s VAWA Emergency Transfer Plan (Includes: VAWA HUD Forms: HUD Form 5383, HUD Form 5382, Notice of Occupancy Rights under VAWA)
Austin/Travis County Continuum of Care

Violence Against Women Act (VAWA) Policies & Procedures
Approved by the Membership Council on: 06/04/2018.

Regulatory Citations
1) 24 CFR 5.2005 (e)(2)
2) 78 FR 47717

B. Background

CoC-funded projects must follow policies and procedures that conform to HUD’s program rules set forth in 24 CFR Part 578, which covers CoC responsibilities, including responsibilities related to the Violence Against Women Act (VAWA). These regulations provide protections to and prohibit discrimination against program applicants and program participants who have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking, regardless of sex, gender identity, gender expression or actual or perceived sexual orientation. All CoC-funded service providers are responsible for understanding and implementing these requirements, as written by HUD, within their programs.

HUD prohibits denying assistance to program applicants and program participants because they have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking. Similarly, HUD prohibits terminating program participants because they have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking. Additionally, HUD-funded program participants cannot be evicted from housing because they have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking.

C. VAWA Requirements

Austin/Travis County CoC and ESG providers must implement and document procedures to ensure compliance with the rules set forth in § 578.99(j) of the CoC Interim Rule:

- Persons may not be denied assistance, terminated from assistance or evicted as a result directly related to experiencing domestic violence, dating violence, sexual assault, or stalking, regardless of sex, gender identity, gender expression or actual or perceived sexual orientation.
- CoC funded programs must inform participants of Notice of Occupancy Rights and the Certification form for documenting the incident of domestic violence, dating violence, sexual assault, or stalking.
- Providers are to adhere to the CoC’s adopted Emergency Transfer Plan procedures and protocols.
• CoC programs must record the number of emergency transfer requests received and the outcomes associated with those requests.

• All housing providers will provide reasonable accommodations to this policy for individuals with disabilities.

D. Prohibitions on Denying, Terminating, and Evicting Protected Program Participants

HUD prohibits denying assistance to potential Program Participants because they have experienced or are experiencing Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Similarly, HUD prohibits terminating Program Participants because they have experienced or are experiencing Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Additionally, HUD-funded Program Participants cannot be evicted from housing because they have experienced or are experiencing Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

Participants may be evicted, and assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, Austin/Travis County CoC or any other PHA or ESG funded housing provider cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking. Participants may be evicted and assistance terminated, if covered HUD funded housing providers can demonstrate that not evicting or terminating the participant’s assistance would present a real physical danger that:

• Would occur within an immediate time frame, and

• Could result in death or serious bodily harm to other tenants or those who work on the property.

If housing provider can demonstrate the above, the housing provider should only terminate assistance or evict if there are no other actions that could be taken to reduce or eliminate the threat.

E. Providing Notice of VAWA Protections

All CoC-funded housing providers and ESG-funded Homelessness Prevention and Rapid Rehousing providers must provide notice to program applicants and participants of their rights under VAWA. CoC program grantees must document that clients were informed of their rights and provided copies of the notices. A signed copy of acknowledgement must be maintained in client files.1 HUD provides detailed guidance on the scope and timing of this requirement in 24 CFR 578.99(j)(4) and 24 CFR 5.2005(a).

1) All CoC-funded programs must provide applicants and participants the following documents:2

1

2 24 CFR 578.99(j)(4)
a) **HUD Form 5380**: Notice of Occupancy Rights under the Violence Against Women Act form that explains the VAWA protections including the right to confidentiality, and any limitations on those protections.

b) **HUD Form 5382**: Certification of Domestic Violence, Dating Violence, Sexual Assault, Stalking or Alternate Documentation form to be completed by the participant to document that the applicant or resident is a victim of domestic violence, dating violence, sexual assault, or stalking.

2) HUD forms 5380 and 5382 must be provided to each person seeking or receiving CoC or other HUD funded housing assistance at the following times:³

   a) When an individual or family is denied permanent or transitional housing;
   
   b) When a program participant is admitted to permanent or transitional housing;
   
   c) When a program participant receives notification of eviction; and
   
   d) When a program participant is notified of termination of assistance.

3) HUD forms 5380 and 5382 are available in multiple languages [here](#).

4) If a program participant in a CoC-funded program has not been notified of their rights under VAWA, and none of the above conditions apply, the program must provide HUD forms 5380 and 5382 at recertification or lease renewal.

5) CoC-funded programs using funds for rental assistance are required to include VAWA notification and confidentiality requirements (specified in 24 CFR 5.2007(c)) in a contract with the owner or manager of the housing unit(s). The program must ensure that the owner or manager of the housing provides HUD forms 5380 and 5382 to the program participant with any notification of eviction.⁴

### F. Contract, Lease, and Occupancy Agreement Provisions

CoC-funded programs must include language in agreements with housing owners or landlords detailing VAWA protections, including notification, prohibited bases for eviction, limitations, and other requirements. For specific requirements, see 24 CFR 578.99(j)(5).

³ 24 CFR 578.99(j)(4)

⁴ 24 CFR 578.99(j)(4)(ii)
For leases for tenant-based rental assistance existing prior to December 16, 2016, recipients and subrecipients must enter into a contract as specified by 24 CFR 578.99(j)(5) before the next renewal of the lease.

G. Emergency Transfer

One of the key provisions the 2013 VAWA updates and subsequent HUD regulations is the ability of an eligible Program Participant to be offered information about VAWA protections and the opportunity to request an Emergency Transfer from their housing unit to another, safer housing unit. Austin/Travis County CoC has responded to this requirement by developing an Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking and an Emergency Response Protocol for addressing incidents of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

1) Ensuring Low Barrier Access

Program providers should be informed of signs of victimization and abuse and should proactively act to help participants understand their rights and protections under VAWA. If a participant indicates a need for protection or communicates a lack of safety, programs have a responsibility to help participants understand their rights and access their options. Program participants do not have to specifically request an emergency transfer or mention VAWA directly to be eligible for VAWA protections.

2) Emergency Transfer Request:

HUD requires that its approved Emergency Transfer Request form be used to initiate Emergency Transfers. The form details the eligibility criteria for requesting an Emergency Transfer as well as the documentation and information that is necessary for completing the Emergency Transfer Request.

- Emergency Transfer Request

Providers are responsible for taking actions directed toward immediate client safety and should do this by first connecting the client to a Victim Service Provider for safety planning. By providing a direct referral to a Victim Service Provider, a risk assessment and safety planning will help the survivor navigate appropriate steps toward safety and determine what actions (including an emergency transfer) are in the best interest of their own safety.

3) Emergency Transfer Plan:

HUD regulations require that its model Emergency Transfer plan be adapted and used to initiate and document Emergency Transfers under VAWA. Austin/Travis County CoC has adopted HUD’s Emergency Transfer Plan. Providers receiving HUD CoC and ESG funds must utilize the guidance provided in the Austin/Travis County CoC Emergency Transfer Plan to initiate Emergency Transfers.
Requesting an Emergency Transfer does not guarantee a program participant will receive a successful transfer opportunity and/or be located to another HUD-funded housing unit. Please see Austin/Travis County CoC’s Emergency Transfer Plan for more information on Emergency Transfer timing, ability, and use with the Coordinated Entry Process.

4) **Emergency Response Protocol:**

In the interest of putting safety first, Austin/Travis County CoC has adopted an Emergency Response Protocol that urges service providers to begin safety planning as the first step before initiating or requesting an Emergency Transfer.

- **Emergency Response Protocol**

- Providers in Austin/Travis County should contact The SAFE Alliance by phone at 512.267.SAFE (7233) to begin assisting clients with safety planning and to help the Program Participant identify options and determine their best next step. Providers are required to become familiar with this protocol and are encouraged to follow this protocol whenever safety allows.

H. **Certification Documenting Incident**

Housing providers may, but are not required to, ask participants to provide documentation certifying incidents of domestic violence, dating violence, sexual assault, or stalking, to assert VAWA’s protections. At their discretion, housing providers may apply VAWA to an individual based solely on the individual’s verbal testimony. However, if the housing provider requests documentation, this request must be made in writing.

CoC programs must have written policies stating program requirements for requesting documentation to certify incidents and standard operating procedures outlining practices that prohibit discrimination and ensure client self-efficacy and confidentiality.

If a provider requires a participant to provide documentation of the event, the provider must submit the request to the participant in writing and inform the participant of acceptable forms of documentation. The survivor can choose what form of documentation to provide. The survivor has 14 business days to produce documentation and the housing provider may extend the timeframe if it is needed by the individual.

Acceptable types of documentation provided by HUD are described below.

1) **HUD Form 5382**

2) Third-Party Documentation

- Third party documentation are statement provided by a victim service provider, medical professional, mental health professional, and/ or attorney. Must be signed by both the third party and the survivor under the penalty of perjury.
3) Police, court, or administrative records

4) A written statement or other evidence provided by the participant.

Conflicting Evidence

Individuals requesting protection cannot be required to provide third-party documentation. However, in cases where 2 household members claim to be the victim and name the other household member as the perpetrator, the housing provider can require third-party documentation.

I. Lease Bifurcation

In accordance with 24 CFR 5.2009(a), housing providers may bifurcate a lease, or remove a household member from a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual regardless of whether the household member is a signatory to the lease, and without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

Covered housing providers are encouraged to undertake whatever actions permissible and feasible under their respective programs to assist individuals residing in their units who are victims of domestic violence, dating violence, sexual assault, or stalking to remain in their units or other units under the covered housing program or other covered housing providers, and for the covered housing provider to bear the costs of any transfer, where permissible. (24 CFR 5.2009(c)).

J. Continued Assistance

If a family who is receiving tenant-based rental assistance under this part separates via lease bifurcation (24 CFR 5.2009(a)), the family's tenant-based rental assistance and any utility assistance shall continue for the family member(s) who are not evicted or removed. (24 CFR 578.99(j)(7))

For permanent supportive housing projects, members of any household who were living in a unit assisted under this part at the time of a qualifying member's eviction from the unit because the qualifying member was found to have engaged in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, have the right to rental assistance under this section until the expiration of the lease in effect at the time of the qualifying member's eviction. (24 CFR 578.75(l)(2), also see 24 CFR 578.99(i)(7))
Otherwise, if a family living in a CoC-funded project separates via lease bifurcation, the remaining tenant(s) will be eligible to remain in the project. (24 CFR 578.99(i)(7))

K. Documenting and Reporting Outcomes

Providers must document requests for emergency transfers, including the outcome of the requests, and are required to report these outcomes to HUD annually. All records related to emergency transfer requests must be retained for three years. All covered housing providers must maintain records on emergency transfers requested under 24 CFR 5.2005(e).

L. Protecting Sensitive Data

Agencies must ensure they have policies and infrastructure in place to secure sensitive data. Policies should include access levels, user passwords and retention and destruction guidelines. Infrastructure includes servers, networks, back-up devices, and software updates to maintain databases and protection against breaches and malware. Options for maintaining the highest level of control and confidentiality over agency data include:

- Cloud-based provider that minimizes the inadvertent disclosure of sensitive, identifying and/or confidential information, either internally or externally.
- Keep equipment and software in-house and have policies and infrastructure in place to minimize inadvertent disclosure of sensitive, identifying and/or confidential information.
- Use of cloud-based services for non-survivor data and using in-house systems for sensitive, identifying and/or confidential information.
Emergency Transfers

The Austin/Travis County (CoC) is concerned about the safety of the tenants of the housing programs that are funded by CoC Program grant funds, and such concern extends to tenants who have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA)\(^5\), CoC-funded programs\(^6\) providing permanent housing or transitional housing must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.\(^7\) The ability of a housing program to honor such a request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the housing program has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the Austin/Travis County CoC and CoC-funded providers are following VAWA compliance.

Eligibility for Emergency Transfers

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5 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

6 For purposes of this plan, “CoC-funded programs” include any permanent or transitional housing projects that are supported by CoC Program grant funds.

7 Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.
A program participant who has experienced domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if:

- The program participant reasonably believes that there is a threat of imminent harm from further violence if the program participant remains within the same unit; or

- The program participant has experienced sexual assault, the program participant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A program participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Program participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

**Emergency Transfer Request Documentation**

To request an emergency transfer, a program participant must notify the housing program (i.e. program case manager, administrator, or management office) and submit a written request for a transfer to that individual. The housing program will offer reasonable accommodations to this policy for individuals with disabilities. The program participant’s written request for an emergency transfer should include either:

- A statement expressing that the program participant reasonably believes that there is a threat of imminent harm from further violence if the program participant were to remain in the same dwelling unit assisted under the housing program; OR

- A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant’s request for an emergency transfer.

The housing program may request additional documentation from a tenant in accordance with the documentation policies of HUD’s regulations at 24 CFR part 5, subpart L. The housing program may use the HUD forms 5382 and 5383 (attached) to document requests for an emergency transfer and to document incidents of domestic violence. The tenant may choose what documentation to provide from the list established by HUD, and the housing provider must accept the tenant’s choice of documentation.

**Confidentiality**

All information provided regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is or has experienced such violence or stalking, must be kept confidential. This includes keeping confidential the new location of the dwelling unit of the program participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the program participant. Confidentiality also means that providers and/or property owner or manager may not:
• Enter the information into any shared database except the authorized DV comparable database;

• Allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work; or

• Provide the information to any other entity or individual, except to the extent that the disclosure is:
  o Requested or consented to by the individual in writing stating permission to release the information on a time-limited basis;
  o Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
  o Otherwise required by applicable law

If program disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the program will inform the victim before disclosure occurs so that safety risks can be identified and addressed. See the Notice of Occupancy Rights under the Violence Against Women Act for All Program Participants for more information about housing provider’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

**Emergency Transfer Timing and Availability**

The housing program provider cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, the housing program provider will act as quickly as possible to move a program participant experiencing domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

If the housing program has no safe and available units for which a participant who needs an emergency transfer is eligible, program will assist the participant in identifying other housing providers who may have safe and available units to which the participant could move. At the participant’s request, program will also assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

If the housing program has no safe and available units for which a participant who needs an emergency transfer is eligible, the housing program will collaborate with ECHO’s Coordinated Entry Process to assist the participant in identifying safe and available units to which the participant could move. If a unit is available, the tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant is being transferred. The program may be unable to transfer a program participant to a particular unit if the program participant has not or cannot establish eligibility for that unit.

For households living in assisted units who qualify for an emergency transfer but a safe unit is not immediately available for an internal emergency transfer, the individual or family shall have priority over all
other applicants for rental assistance, transitional housing, and permanent supportive housing projects funded under this part, provided that:

- The individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA;
- The individual or family meets any additional criteria or preferences established in accordance with 24 CFR 578.93(b)(1),(4),(6), or (7).

The individual or family shall retain their original homeless or status of homeless chronicity for the purposes of the transfer. In cases where a household receiving tenant-based rental assistance separates in order to initiate an emergency transfer, the housing program, in consultation with the CoC grant recipient, will determine the appropriate actions with respect to the non-transferring family member(s).

### Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the program participant is urged to take all reasonable precautions to be safe. For specific resources, participants are encouraged to reach out to:

- **Domestic Violence**: National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

- **Sexual Assault**: Rape, Abuse & Incest National Network’s National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at [https://ohl.rainn.org/online/](https://ohl.rainn.org/online/).


### Related Documents and Attachments

- **Attachment A**: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, [HUD Form 5383](https://www.cfhud.gov)

- **Attachment B**: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, [HUD Form 5382](https://www.cfhud.gov)

- **Attachment C**: Local organizations providing services to survivors of domestic violence, dating violence, sexual assault, or stalking.
Attachment A: HUD Form 5383

EMERGENCY TRANSFER U.S. Department of Housing OMB Approval No. 2577-0286
REQUEST FOR CERTAIN and Urban Development Exp. 06/30/2017
VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider’s emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:
(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider’s emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.
Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: ______________________________________

2. Your name (if different from victim’s)_______________________________________________

3. Name(s) of other family member(s) listed on the lease:________________________________

   ___________________________________________________________________________

4. Name(s) of other family member(s) who would transfer with the victim:_________________

   ___________________________________________________________________________

5. Address of location from which the victim seeks to transfer: ___________________________

6. Address or phone number for contacting the victim:__________________________________

7. Name of the accused perpetrator (if known and can be safely disclosed):_______________

8. Relationship of the accused perpetrator to the victim:_______________________________
9. Date(s), Time(s) and location(s) of incident(s):____________________________________________________

____________________________________________________________________________________

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on
the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill
out question 11. ______________

11. Describe why the victim believes they are threatened with imminent harm from further violence if
they remain in their current unit.

____________________________________________________________________________________

____________________________________________________________________________________

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:
____________________________________________________________________________________

This is to certify that the information provided on this form is true and correct to the best of my knowledge,
and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency
transfer. I acknowledge that submission of false information could jeopardize program eligibility and could
be the basis for denial of admission, termination of assistance, or eviction.

Signature __________________________________Signed on (Date) ___________________________
U.S. Department of Housing and Urban Development

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, and ALTERNATE DOCUMENTATION

Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.
Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.

(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in
writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: ____________________________

2. Name of victim: _______________________________________________________

3. Your name (if different from victim’s): ___________________________________

4. Name(s) of other family member(s) listed on the lease: _____________________

5. Residence of victim: ____________________________________________________

6. Name of the accused perpetrator (if known and can be safely disclosed): __________

7. Relationship of the accused perpetrator to the victim: ________________________

8. Date(s) and times(s) of incident(s) (if known): _______________________________

9. Location of incident(s): _________________________________________________

In your own words, briefly describe the incident(s):
________________________________________________________
________________________________________________________
________________________________________________________
________________________________________________________
________________________________________________________
This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature __________________________________Signed on (Date) ___________________________

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Attachment C: Local Resources

For questions regarding VAWA, and/or if you need to move due to domestic violence, dating violence, sexual assault, or stalking please contact the Texas Department of Housing and Community Affairs at 512-475-3800 or 800-475-3800 (Relay Texas 800-735-2989) for assistance in locating other available housing (note, this is not a domestic violence hotline). Depending on your location, the Department may also have a listing of local
service providers and advocates who can help you move to a safe and available unit. For more information regarding housing and other laws that may protect or provide additional options for survivors, call the Texas Council on Family Violence Policy Team at: 1-800-525-1978.

**Domestic Violence, Sexual Assault and Stalking Resources**

**Texas Association Against Sexual Assault**


Find local crisis centers.

**The SAFE Alliance**


The confidential SAFEl ine is available 24/7 by phone at 512.267.SAFE (7233), by text at 737.888.7233, or online chat at [safeaustin.org/chat](http://safeaustin.org/chat).

**Legal Resources**

**TexasLawHelp.org**

www.texaslawhelp.org

TexasLawHelp.org is a website that provides free, reliable legal information on a variety of topics such as; family law, consumer protection and debt relief, health and benefits, employment law, housing, wills and life planning, and immigration. The website offers interactive and downloadable legal forms, self-help tools and videos on legal issues, and can assist in locating local free legal services.

**Texas Advocacy Project, A VOICE**

1.888. 343.4414

Advocates for Victims of Crime (A VOICE), a project of Texas Legal Services Center, provides free direct legal representation and referrals to victims of violent crime, and providing education about
crime victim’s rights and assistance with Crime Victims Compensation applications. Note: callers will most likely leave a message and their call will be returned by an attorney.

Legal Aid for Survivors of Sexual Assault (LASSA)
1-844-303-SAFE (7233)

The LASSA Hotline is answered by attorneys seven days a week. The Hotline attorneys provide sexual assault survivors with legal information and advice about legal issues that may arise following a sexual assault including crime victim’s rights, housing, and safety planning.

Family Violence Legal Line
800-374-HOPE

Texas Advocacy Project. Offers the HOPE Line, Monday -Friday 9am-5pm, staffed by attorneys can help you with a variety of legal concerns related to domestic violence, sexual assault, and stalking.
To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking.

VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.

8 Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.
orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Housing Authority of Travis County is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

**Protections for Applicants**

If you otherwise qualify for assistance under Project Based, Continuum of Care, or Housing Choice Voucher programs, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

If you are receiving assistance under Project Based, Continuum of Care, or Housing Choice Voucher programs, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under Project Based, Continuum of Care, or Housing Choice Voucher programs, solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

**Removing the Abuser or Perpetrator from the Household**

The Housing Provider may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

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9 Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.
If the Housing Provider chooses to remove the abuser or perpetrator, the housing provider may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the Housing Provider must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, the Housing Provider must follow Federal, State, and local eviction procedures. In order to divide a lease, the Housing Provider may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, Housing Provider may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, Housing Provider may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) **You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

(2) **You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

(3) **You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which
you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request
the transfer.

Housing Provider will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or
stalking, and the location of any move by such victims and their families.

The Housing Provider’s emergency transfer plan provides further information on emergency transfers, and the Housing Provider must make a
copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

Housing Provider can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic
violence, dating violence, sexual assault, or stalking. Such request from the Housing Provider must be in writing, and the Housing Provider
must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to
provide the documentation. Housing Provider may, but does not have to, extend the deadline for the submission of documentation upon your
request.

You can provide one of the following to Housing Provider as documentation. It is your choice which of the following to submit if the Housing
Provider asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or
stalking.

- A complete HUD-approved certification form given to you by the Housing Provider with this notice, that documents an incident of
domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the
incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form
provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.

- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the
incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports,
protective orders, and restraining orders, among others.

- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an
attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in
addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected
by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence,
sexual assault, or stalking are grounds for protection.

- Any other statement or evidence that the Housing Provider has agreed to accept.
If you fail or refuse to provide one of these documents within the 14 business days, Housing Provider does not have to provide you with the protections contained in this notice.

If the Housing Provider receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the Housing Provider has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, the Housing Provider does not have to provide you with the protections contained in this notice.

Confidentiality

Housing Provider must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The Housing Provider must not allow any individual administering assistance or other services on behalf of the Housing Provider (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The Housing Provider must not enter your information into any shared database or disclose your information to any other entity or individual. The Housing Provider, however, may disclose the information provided if:

- You give written permission to the Housing Provider to release the information on a time limited basis.
- Housing Provider needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the Housing Provider or your property owner to release the information.

VAWA does not limit the Housing Provider’s duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the Housing Provider cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.
The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the Housing Provider can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1) Would occur within an immediate time frame, and

2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If the Housing Provider can demonstrate the above, the Housing Provider should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with the Requirements of this Notice

You may report a covered housing provider’s violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with:
Christina Montes/ Director of Voucher Programs and Homeless Initiatives
Housing Authority of Travis County
502 East Highland Mall Blvd. Ste. 106 B
Austin, Texas 78752
Christina.montes@traviscountytx.gov
Phone: 512-854-1883
Fax: 512-854-1899
OR
San Antonio Field Office
Hipolito Garcia Federal Building
615 East Houston Street, Suite 347
San Antonio, TX 78205-2001
Phone: (210) 475-6800
Fax: (210) 472-6804
TTY: (800) 877-8339

For Additional Information, you may view a copy of HUD’s final VAWA rule at https://www.hud.gov/sites/documents/5720-F-03VAWAFINRULE.PDF
Additionally, the Housing Provider must make a copy of HUD’s VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact your housing specialist or Christina Montes.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact:

For emergencies, please call 911.
For victim assistance, please call LASSA at 1-844-303-SAFE (7233) or visit their website, http://www.legalaidforsurvivors.org/.

Texas Association Against Sexual Assault
6200 La Calma Drive
To find local Crisis Centers:
http://taasa.org/crisis-center-locator/
512-474-7190

The Safe Alliance
Phone available 24/7: 512-267-7233
Text: 737-888-7233
Online Chat: www.safeaustin.org/chat
http://www.safeaustin.org/

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.