

# Public Housing & Voucher Programs: A Basic Overview for Advocates

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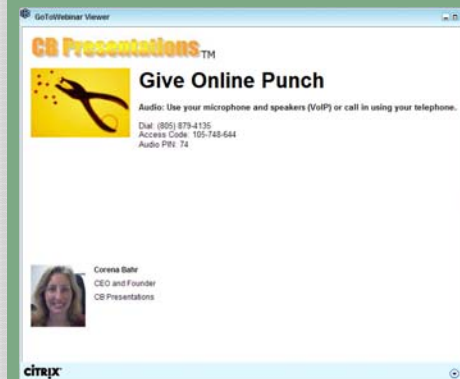
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## HOUSING JUSTICE

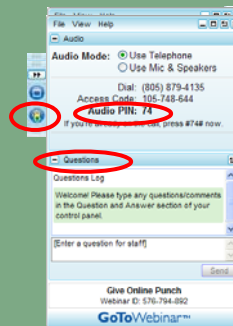
National Housing Law Project

## GoToWebinar Interface

1. Viewer Window



2. Control Panel



## Housekeeping

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- Materials were emailed to registrants this morning and will be emailed again after the webinar, along with evaluations.
- Materials and recording will be posted at [www.nhlp.org/OVWgrantees](http://www.nhlp.org/OVWgrantees).
- CA and NY attorneys seeking MCLE credits will receive MCLE certificates after the webinar.
- Poll: Which best describes you?

## Webinar Series on the Basics

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- Overview of the public housing and Section 8 voucher programs.
  - Two of the largest HUD programs that are affordable to the very lowest income families
- Other HUD programs, including Project-based Section 8, Sections 202, 236, 811, HOME, HUD homelessness programs and HOPWA covered in two other webinars - March 20, 2:00-3:15 pm EST and late April. All attendees will receive registration links.
- On 11/20/2013, we held Part 1 of webinar series on the Low-Income Housing Tax Credit and Rural Development programs. Recording and materials available at <http://nhlp.org/node/1484/>
  - Webinar on VAWA 2013's housing protections

## Why Does This Matter?

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- Advocates working with survivors of domestic and/or sexual violence may encounter public housing or the voucher program because:
  - It is housing survivors can afford on their own.
  - Access to this housing may help survivors escape perpetrators.
  - Survivors may need assistance navigating the admissions process for this housing.
  - To improve survivors' chances of securing permanent housing, it is critical for advocates to understand how to work with public housing agencies (PHAs).

## Why Does This Matter? (cont'd)

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- Advocates working with survivors of domestic and/or sexual violence may encounter public housing and the Section 8 voucher program because:
  - Client may need to seek a rent adjustment as a result of factors related to domestic violence or sexual assault.
  - Client may need to relocate with the Section 8 voucher or to another public housing unit as a result of domestic violence or sexual assault.
  - Advocates may need to negotiate with PHAs or a private voucher landlord to stop evictions, subsidy terminations, or other negative actions against survivors.
- ***Remember: Client's rights and options will vary depending on the federal housing.***

## What We'll Cover

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- **Basic overview of the public housing and Section 8 Voucher programs.**
  - Orientation to the programs, distinguishing characteristics and eligibility, admissions, rents, and terminations/evictions
- **Resources that provide more information about these programs.**
- **How to locate and identify this housing in your jurisdiction.**

## Review of the materials

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- **Two outlines with attachments:**
  - Public housing
  - Voucher Program, and
  - A memo “Survivors Have Rights and Protections to Move with a Voucher”
- **Purpose of the materials is to offer a brief overview of the programs, provide cites to relevant law, and provide more extensive resources.**



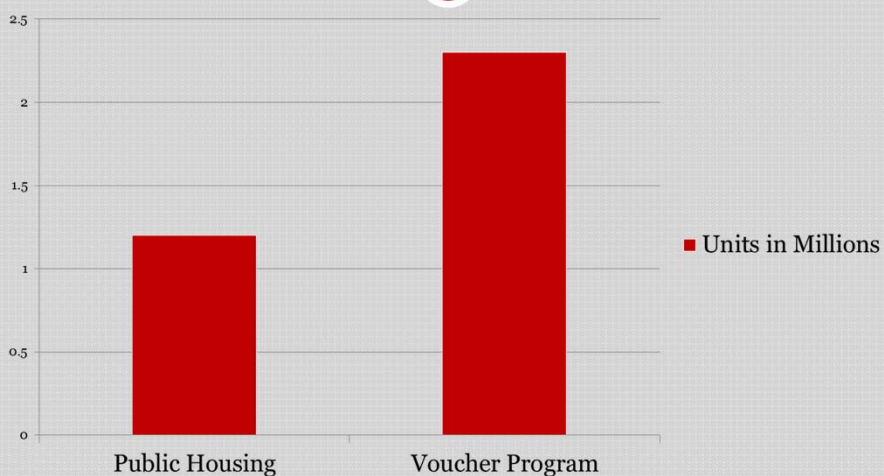
## Comparison of the Two Programs

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- **Public Housing:**
  - <1.2 million units; 36% female headed with children; 53% elderly and/or disabled head of household (H of H); 45% African Amer.; 24% Hispanic; 2,112,911 total number of household members of which 38% are minors; avg. income of \$13,827; 67% are ELI; 51% lived in the housing 5 yrs or less. (Data 2/2014)
- **Voucher Program:**
  - >2.3 million units; 44% are female headed with children; 49% elderly and/or disabled H of H; 46% African Amer.; 15% Hispanic; 4,586,519 total number of household members; 70% ELI; avg. income \$13,052; 43% used voucher 5 years or less (Data 2012)
- <https://pic.hud.gov/pic/RCRPublic/rcrmain.asp>
- See also <http://www.huduser.org/portal/picture2008/index.html>

## Comparison of the Two Programs

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## Public Housing

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## Public Housing

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- **How Program Works: Who Is Involved/Roles**
  - Congress authorizes the public housing program, sets standards and appropriates funds.
  - HUD oversees the program, issues rules and guidance. contracts with and monitors the PHAs and allocates the funds.
  - Generally, the PHA owns, manages and maintains the housing, selects and evicts the tenants and establishes local rules and creates the lease.
    - ✦ Some public housing units are privately owned and/or managed
  - Other parties: PHA Board of Commissioners, Resident Advisory Board (RAB) and resident organizations/councils.

## What Rules Apply to Public Housing?

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- **Layers of legal authorities:**
  - Federal statutes and HUD regulations published in Code of Federal Regulations (CFR)
  - Other administrative guidance, such as HUD Notices; Federal Register Notices; Notices of Funding Availability and Public Housing Occupancy Guidebook, which is available at <http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm>
  - Detailed rules regarding tenant leases and grievance procedures, 24 C.F.R. 966
  - PHA develops its own local policies in its Admission and Continued Occupancy Plan (ACOP)
  - PHA develops and submits a 5 Year and Annual Plans to HUD

## How Can I Find Public Housing?

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- **To obtain public housing, client generally must apply with the local PHA in the jurisdiction in which she works, lives or wants to live**
- **To find the PHA in your area, go to either**
  - [www.hud.gov/offices/pih/systems/pic/haprofiles/](http://www.hud.gov/offices/pih/systems/pic/haprofiles/)
  - [http://portal.hud.gov/hudportal/HUD?src=/topics/rental\\_assistance](http://portal.hud.gov/hudportal/HUD?src=/topics/rental_assistance)

## How to Tell If a Client Is in Public Housing

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- **Factors to consider:**
  - Property owned by PHA
  - Property managed by PHA
  - Language of the lease
  - Availability of “grievance hearing”/“grievance procedure”
  - Signage at the property
  - Tenant income recertified and verified annually by PHA
  - Ask PHA, HUD, local legal services program or National Housing Law Project

## Eligibility & Admission: Basics

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- **Family is eligible if income is 80% of area median income (AMI)**
  - ✦ 40% of all new admissions must be extremely low income (30% of AMI)
- **Family has one member who is a U.S. citizen or with qualifying immigration status**
- **Most PHAs have a waiting list, which may be a central list and/or site-based (maybe combined with voucher list?)**
- **Poll: True or False - The federal poverty level is used to determine income eligibility for federally subsidized housing.**



## Eligibility & Admissions: Basics

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- PHA may establish preferences, such as for homeless individuals, residents of the jurisdiction, families with working adults, and/or survivors of domestic and sexual violence
- **Advocates should determine**
  - The bedroom sizes of the public housing units
  - Whether the public housing is for general occupancy or designated for families with an elderly and/or disabled head of household
  - Status of the wait list. Is it open or closed? What is the average wait time? How is wait time affected by preferences?

## Eligibility & Admission: Basics

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- **Screening**
  - PHAs must screen and reject applicants for certain criminal activity
  - PHA may reject those who abuse alcohol and for other criminal activity
  - Most PHAs consider prior rent-paying and eviction history
- **PHA must**
  - Consider mitigating circumstances, and
  - Notify applicant of reason for rejection and the right to an informal hearing.

## Public Housing: Rent

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- Most tenants pay 30% of adjusted income
- Adjusted income: Annual income from all sources minus exclusions/deductions (e.g. minor's income or lump sum additions due to delayed start of SSI or SS) with adjustments (e.g. \$480/year/dependent, child care expenses for work, etc.)
- PHA sets minimum rent between \$0 and \$50
- Utility Allowance: PHA sets "reasonable" amount for tenant paid utilities, credited to tenant share of rent
- Income Recertification: Annual and interim for changes in tenant income, status or circumstances

## Sam

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- Sam is a survivor of domestic violence. He has obtained a restraining order and his partner the abuser has moved out. The abuser prevented Sam from working and controlled all of the household finances. What should Sam do?
- Poll question
- What more would you like to know?

## Public Housing: Eviction

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- **Tenant may be evicted only for serious or repeated lease violation or other good cause**
  - Lease provisions are critical for determining good cause
  - PHA may bifurcate lease and evict only the abuser
- **Tenant entitled to notice of reasons**
  - Length of notice mandated by federal law, may be different from state law (14-day notice for non payment), but also references state law
- **Tenant entitled to grievance hearing before eviction**
  - Exceptions for illegal drug activity, criminal activity that threatens health and safety and quiet enjoyment of other residents, and felony conviction

## Public Housing Grievance Hearing

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- **A grievance: any dispute re: PHA action or failure to act in accordance with the lease or PHA regulations, which adversely affects the tenant's rights**
  - May include challenges to rent, damage charges, condition of the unit or income determination and evictions
- **Process includes informal review and settlement before a grievance hearing (prompt and reas. place)**
- **Grievance hearing: review and copy documents pre hearing, may be represented, confront and cross examine, written decision based on facts presented, before impartial hearing officer (panel); appeal**



## Eva

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- Eva received an eviction notice from the PHA because the police have been called multiple times to her public housing unit. She tells you that she often called the police, as did her neighbors, because of the abuse. Eva has a restraining order preventing the abuser from coming to the public housing property.
- What steps would you take to help Eva?

## Section 8 Housing Choice Voucher Program (HCVP)

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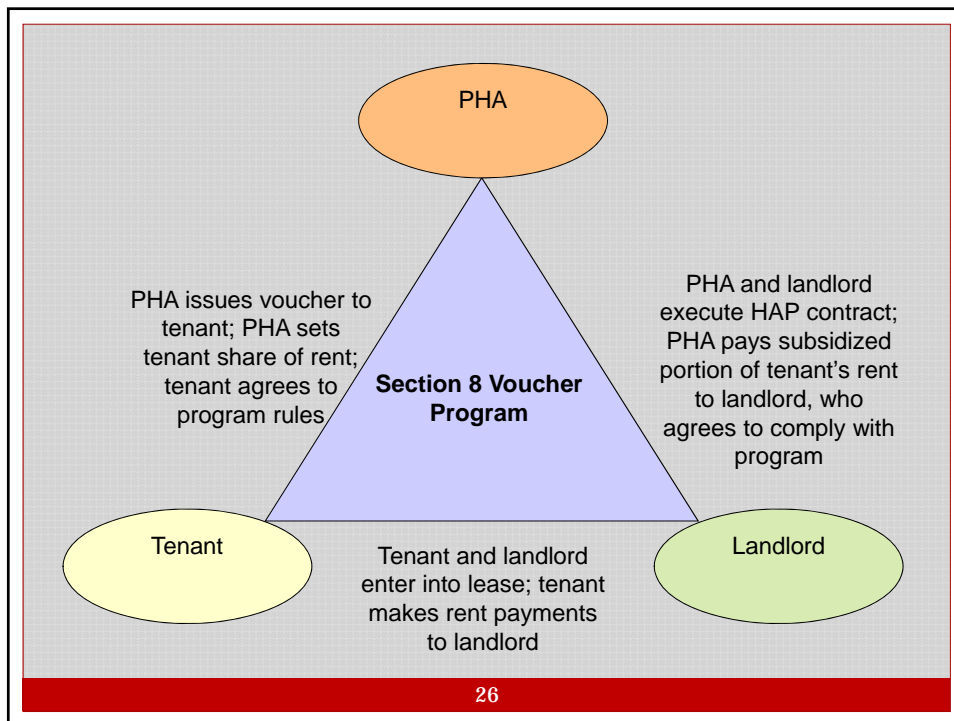




## Section 8 Voucher Program

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- **How Program Works: Who is Involved/Roles**
  - HUD provides funds to public housing agency (PHA)
  - PHA administers the voucher program locally
  - Tenant finds a private landlord
  - PHA and landlord enter into Housing Assistance Payments (HAP) contract
    - ✦ PHA makes payments to landlord
    - ✦ Landlord agrees to comply with the program
  - Private landlord and tenant sign a lease
    - ✦ Tenant agrees to pay her share of the rent



## What Rules Apply to the Voucher Program?

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- **Layers of legal authorities:**
  - Federal statute, HUD regulations, Housing Choice Voucher Program Guidebook, HUD Notices ([www.hud.gov/hudclips](http://www.hud.gov/hudclips))
  - Section 8 Administrative Plan: contains the PHA's locally developed rules
  - HUD Voucher Lease Addendum (HUD-52641-A)
  - Landlord may use its own lease that also governs the tenancy, but the standard HUD lease addendum prevails

## Where Can My Client Get a Voucher?

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- Client applies for voucher by filling out an application with the PHA
- Client can apply for a voucher with multiple PHAs, even if she does not reside in the PHA's jurisdiction
  - May be subject to residency preferences
- List of PHAs available at [www.hud.gov/offices/pih/pha/contacts/](http://www.hud.gov/offices/pih/pha/contacts/)
- Information on the number of vouchers & utilization by PHA
  - [www.cbpp.org/cms/index.cfm?fa=view&id=3586](http://www.cbpp.org/cms/index.cfm?fa=view&id=3586)
  - [portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/hcv/psd](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/psd)

## Waiting Lists

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- Each PHA maintains a list of applicants.
- Sometimes these lists are combined with the waiting list for public housing.
- How the lists are created is determined locally.
- Some waiting lists are very long (7-9 years). Clients must update their information with the PHA.
- Some waiting lists are closed.
- PHAs advertise when the waiting list will be open to new applicants.

## How to Tell If Client Has a Voucher

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- **A client may be a Section 8 voucher tenant if:**
  - Client was given a voucher by a PHA
  - Client had to find the unit and a willing landlord
  - Client annually recertifies her income with the PHA
  - Landlord is usually a private landlord without any other federal assistance
  - Client's lease includes Section 8 tenancy addendum
  - Client tells you she has previously moved and was able to keep her Section 8 assistance
  - Other tenants at the property may not be subsidized.



## “Special” Vouchers

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Some vouchers are targeted to families with special needs such as:

- Family Unification vouchers for families with children exiting foster care.
- VASH vouchers (Veteran Affairs Supportive Housing) for homeless veterans
- Welfare to Work vouchers for families transitioning off of welfare
- There may be other “set-aside” vouchers in your community.

## Voucher Program Admissions: Two Steps

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- **Step 1: PHA determines who will receive a voucher.**
  - Most applicants “very low-income” (VLI)—income cannot exceed 50% of area median income (AMI); in very limited circumstances may be low-income.
  - PHAs must target 75% of vouchers to “extremely low-income” households—30% of AMI or below.
  - PHAs must deny applicants with certain criminal history and/or based upon immigration status.
  - PHA may establish additional screening factors.
  - PHA must notify applicants of reasons for rejection and that they can request an informal review.
- **Step 2: Private landlord may screen applicant.**
  - Often includes review of tenancy and credit and criminal history.



## Voucher Rents

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- Voucher tenant's share of the rent is set by the PHA.
- Tenant's rent is determined by these factors:
  - Tenant's income;
  - Maximum subsidy the PHA will pay (the payment standard); and
  - The rent the landlord is charging for the unit.
- Tenant's share of rent is typically 30% of adjusted income.
  - However, exception if tenant chooses housing with a total rent higher than the PHA's payment standard.
- Can be required to pay a minimum rent of up to \$50.
- Tenant entitled to hearing on rent calculation.
- PHA recertifies tenant's income annually.
- Tenant can ask PHA for recertification if income changes.

### Poll:

What is the Defining Feature of the Voucher Program?

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## Tenant-based Assistance/Portability

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- Subject to certain limitations, tenants can take their vouchers and move anywhere in the United States where another PHA operates a voucher program.
- For this reason, Section 8 vouchers are often referred to as “tenant-based” assistance.
- A tenant can move anywhere in the jurisdiction of the PHA
  - PHA may set limits, e.g., limit # of moves/year
- Portability: Tenant requests to move from the jurisdiction of the PHA that issued her voucher to the jurisdiction of another PHA.

## Kim

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- Three months ago, Kim rented an apartment from a private landlord using a Section 8 voucher.
- Kim broke up with her ex-boyfriend due to domestic violence. He has repeatedly threatened to break into her apartment and harm her. Kim feels that she must move to another state to protect herself.
- The PHA’s policy is that tenants can move only once during a 12-month period and must get the Landlord to agree to break the lease.
- What can Kim do to relocate and keep her Section 8 voucher? How would you help her?

## Evictions and Voucher Terminations

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- Evictions and Voucher Terminations are two separate but related processes:
- **Evictions:** Landlord uses judicial procedure to evict voucher tenant
  - During initial lease term, landlord may only evict for grounds set forth in lease
  - At the end of the lease term, landlord may terminate the tenancy without cause (*subject to* local & state eviction control protections)
  - If tenant is evicted for a serious lease violation, it's also grounds for terminating the voucher

## Voucher Terminations


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- PHA uses administrative procedure called an informal hearing to terminate tenant's voucher assistance.
- PHA must give notice of the reason for the proposed termination and an opportunity for an informal hearing.
- Good cause required: PHA is limited to terminating assistance only on the grounds listed in HUD's regulations.



# PHA Plan Process

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## PHA Plan Process

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Action	Jan 1 FY Start date	April 1 FY Start Date	July 1 FY Start Date	Oct. 1 FY Start Date
PHA should begin to develop plan for coming year. RAB and tenants should review prior year plan, develop issues, determine progress on prior year goals and strategies. Current year approved plan attachments and supporting documents are available for review	May (Prior Year) 8 mos	Aug (Prior Year) 8 mos.	Nov (Prior Year) 8 mos.	Feb  8 mos
PHA should have available a draft plan and should be discussing the plan with RAB and tenants and other advocates, such as housing advocates, disability rights groups, homeless advocates and other agencies such as welfare and jurisdiction consolidated plan agency	Mid-July (Prior Year) 5.5 mos	Mid-Oct (Prior Year) 5.5 mos	Mid-Jan.  5.5 mos	Mid- April  5.5 mos
Notice of hearing, proposed plan on file for review, RAB members names published	Mid-Aug (Prior Year) 4.5 mos	Mid-Nov. (Prior Year) 4.5 mos	Mid-Feb  4.5mos	Mid-May  4.5 mos
Public hearing (time should be allowed between public hearing and date plan is due at HUD to make revisions based upon public comment)	First week Oct (Prior Year) 3 mos	First week Jan 3 mos	First week April 3 mos	First week July 3 mos
Plan due at HUD	Mid-Oct. (Prior Year) 2.5 mos	Mid- Jan 2.5 mos	Mid- April 2.5 mos	Mid- July 2.5 mos
HUD approves plan and notifies PHA. PHA provides RAB with a copy of approved plan, notice of approval and funding awards. Or plan rejected	Jan 1	April 1	July 1	Oct. 1



## Process to Influence PHA Policies

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- **The Plan process rules are the same for many PHAs**
  - Exception for “qualified PHAs” (less than 550 combined PH and V units and not troubled or failing) and MTW PHAs
  - Some PHAs may file a streamlined Plan
- **All PHAs must have and consult with a Resident Advisory Board (RAB)**
  - There are rules on how they are established, their function and how they are supported by PHA
- **Mid-year changes for substantial amendments to the Plan—PHA can define “substantial amendment.”**
  - Same public and RAB process before HUD submission.

## PHA Plan Process

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- **ACOP and Administrative Plan are often revised as part of Annual Plan**
- **Examples of issues that advocates may want to raise**
  - Training of PHA staff on DV issues
  - Implementation of VAWA 2013
    - ✦ Notices regarding rights of survivors
    - ✦ Use of and modification of HUD forms
  - Transfer policies
  - Moving with a voucher
  - Confidentiality
  - Admission preferences for survivors
  - Use of mitigating circumstances for admission to voucher program, termination of a voucher and eviction

## Takeaway Points

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- A client's rights in subsidized housing will be affected by the type of housing she's in.
- Contact NHLP for help in determining what program is involved and what rules may apply.

## Wrap-up: Ana

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- **Ana tells you:**
  - Her husband was forced to move out after she got a restraining order. He was the sole wage earner.
  - She needs a lower rent because she can't afford it on her own. Her husband insisted on handling all interactions w/the owner.
  - Ana believes she is in subsidized housing, because each year her husband told her to sign forms about the family's income.
  - Husband paid rent to the owner. There is no signage at the property mentioning the housing authority.
- **What program do you think Ana is in? How would you help her?**

## Upcoming Webinars

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- March 20: Subsidized Housing Basics, Part 3: HUD Multifamily Programs
- TBA: Subsidized Housing Basics, Part 4: McKinney-Vento Programs and HOPWA
- More information: [kng@nhlp.org](mailto:kng@nhlp.org) or 415-546-7000 x. 3117

## Contact Information

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