

HUD-VASH Notice Reaffirms PHAs' Obligations Regarding Issuance of Vouchers

In the 2008 Consolidated Appropriations Act, Congress appropriated \$75 million to assist approximately 10,000 homeless veteran families.¹ HUD issued a Federal Register notice implementing the program, which waived a number of admission criteria and designated Veterans Affairs Medical Centers (VAMC) to screen and determine eligibility. VAMC case managers will refer the family to a public housing agency (PHA), which will provide the voucher.

HUD has issued Questions and Answers (Q&A) and a PIH notice providing additional guidance regarding the program. Both documents reaffirm that the only reasons that a PHA may deny a referred family are that the family fails to meet income eligibility requirements or includes a member who is subject to a lifetime sex offender registration requirement.² The admissions criteria apply to all family members, not just veterans. For example, the Q&A states that a family may not be denied because a non-veteran family member's assistance was previously terminated due to a serious or repeated lease violation or because the family owes money to the PHA.³ The PIH

notice also informs PHAs that if they deny assistance to a family, they must provide a notice, a brief statement of the reasons for denial, and an informal review in accordance with the Housing Choice Voucher rules.⁴

As for continued occupancy issues, if the veteran dies, the voucher stays with the remaining members of the tenant family.⁵ But if there is a divorce, the voucher remains with the veteran.⁶ Other issues addressed in the Q&A include family self sufficiency, income calculation, portability, and case management.

As noted in a prior *Housing Law Bulletin*, advocates in jurisdictions that received HUD-VASH vouchers should monitor implementation to ensure that the vouchers are used in a manner that addresses the needs of homeless veteran families. The following chart lists the number of vouchers allocated to specific communities.⁷ Many jurisdictions did not receive any VASH vouchers, and some jurisdictions received only a few. For example, Connecticut, Hawaii, Iowa, Minnesota, Nebraska, New Jersey, Oklahoma, and Wyoming received only seventy VASH vouchers each for the entire state. ■

¹Pub. L. 110-161, tit. II, 121 Stat. 1844, 2414 (2007); Section 8 Housing Choice Vouchers: Implementation of the HUD-VA Supportive Housing Program, 73 Fed. Reg. 25,026 (May 6, 2008), as corrected 73 Fed. Reg. 28,863 (May 19, 2008) (providing additional information regarding portability); see also NHLP, *HUD-VASH: Long-Neglected Program Brought Back to Life*, 38 HOUS. L. BULL. 135 (2008).

²Reporting Requirements for the HUD-Veterans Affairs Supportive Housing Program, PIH 2008-37 (HA) (Oct. 14, 2008) [hereinafter VASH Notice]; HUD-VASH Qs&As, <http://www.hud.gov/offices/pih/programs/hcv/vash/docs/hudvashqa.pdf> [hereinafter VASH Q&A].

³VASH Q&A, *supra* note 2, ¶¶ 5, 7.

⁴VASH Notice, *supra* note 2; see also 24 C.F.R. § 982.544(a)-(b) (2008); VASH Q&A, *supra* note 2.

⁵VASH Q&A, *supra* note 2, ¶ 12.

⁶*Id.* ¶ 13. The PIH notice overrides the regulations that permit PHAs to determine how a voucher will be allocated if the family breaks up. See 24 C.F.R. §§ 982.54(d)(11), 982.315 (2008). Further, automatically assigning the voucher to the veteran if there is a divorce may be problematic in cases involving domestic violence and fails to consider the obligations imposed on PHAs by Violence Against Women and Justice Department Reauthorization Act 2005. See Pub. L. No. 109-162, 119 Stat. 2960 (Jan. 5, 2006).

⁷The complete list of PHAs administering the HUD-VASH program is available at <http://www.hud.gov/offices/pih/programs/hcv/vash/docs/vamc.pdf>.

Geographical Area	Name of PHA	Number of VASH Vouchers	PHA Number
Los Angeles Area, CA	City of Los Angeles	840	CA004
Denver, CO	Colorado Department of Human Services	175	CO901
Tampa, FL	Tampa HA	105	FL003
Atlanta, GA	DeKalb County	350	GA237
Brooklyn, NY	NYCHA	455	NY005
Houston, TX	Houston HA	385	TX005
Hampton, VA	Hampton RHA	140	VA017