

## CHAPTER 19

### Temporary Policy Supplement

#### EMERGENCY HOUSING VOUCHERS (EHVs)

##### INTRODUCTION

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated \$5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that BHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHVs. The policies outlined in this chapter are organized into seven sections, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.

#### PART I: FUNDING

##### TPS-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. BHA must maintain separate financial records from its regular HCV funding for all EHV funding.

## **Housing Assistance Payments (HAP) Funding**

ARP funding obligated to BHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to BHA for the EHV on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on BHA's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHV are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

## **Administrative Fee and Funding**

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that BHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - \$400 per EHV allocated to BHA, once the consolidated annual contributions contract (CACC) is amended.
  - This fee may be used for any eligible administrative expenses related to EHV.
  - The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).
- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHV:
  - \$100 for each EHV initially leased, if BHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 14 days of voucher issuance or the date the system becomes available for reporting.
  - Placement fees:
    - o \$500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
    - o \$250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
    - o HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
  - Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
- **Ongoing administrative fees**, which are calculated in the same way as the standard HCV program:
  - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.

- Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.
- **Services fees**, which are a one-time fee to support PHAs' efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):
  - The fee is allocated once BHA's CACC is amended to reflect EHV funding.
  - The amount allocated is \$3,500 for each EHV allocated.

### **TPS-I.B. SERVICE FEES**

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

BHA must establish the eligible uses and the parameters and requirements for service fees in BHA's administrative plan.

#### BHA Policy

The eligible uses for service fees that BHA may utilize the service fees for include:

**Application fees/non-refundable administrative or processing fees/refundable application deposit assistance.** BHA may choose to assist the family with some or all these expenses.

**Holding fees** are fees an owner requests that are rolled into the security deposit after an application is accepted but before a lease is signed. BHA may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. BHA and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

**Security deposit assistance.** The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. BHA may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, BHA will require documentation that the family paid the security deposit.

**Owner recruitment and outreach for EHV's.** BHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHV's. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

**Owner incentive and/or retention payments.** BHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.

Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

**Renter’s insurance if required by the lease.** BHA may choose to assist the family with some or all this cost.

Any services fee assistance that is returned to BHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when BHA’s EHV program ends must be remitted to HUD.

## **PART II: PARTNERING AGENCIES**

### **TPS-II.A. CONTINUUM OF CARE (CoC)**

PHAs that accept an allocation of EHV’s are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHV’s.

#### BHA Policy

BHA has entered into an MOU with Alameda County Continuum of Care (in Alameda County, the CoC is known as “EveryOne Home”); and the Alameda County Health Care Services Agency. See Exhibit TPS-I for a copy of the MOU.

### **TPS-II.B. OTHER PARTNERING ORGANIZATIONS**

BHA may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as victim services providers (VSPs) and other community partners. If BHA chooses to partner with such agencies, BHA must either enter into an MOU with the partnering agency or the partnering agency may be added to the MOU between BHA and CoC-EveryOne Home.

#### BHA Policy

BHA will be partnering with domestic violence service providers; as well as Transition aged Youth service providers, as identified by the CoC-EveryOne Home and HCSA, including but not limited to Building Futures.

### **TPS-II.C. REFERRALS**

#### **CoC and Partnering Agency Referrals**

The primary responsibility of the CoC-EveryOne Home under the MOU with BHA is to make direct referrals of qualifying individuals and families to BHA. BHA must generally refer a family that is seeking EHV assistance directly from BHA to the CoC-EveryOne Home or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories

for EHV's. The CoC-EveryOne Home or other direct referral partner must provide supporting documentation to BHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

### BHA Policy

The CoC-EveryOne Home or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to BHA. The CoC-EveryOne Home or other partnering agency must certify that the EHV applicants they refer to BHA meet at least one of the four EHV eligibility criteria. BHA will maintain a copy of the referral or certification from the CoC-EveryOne Home or other partnering agency in the participant's file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-II of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-III of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, BHA and CoC-EveryOne Home or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC-EveryOne Home or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

BHA liaison responsible for acceptance of referrals will contact the CoC-EveryOne Home or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five business days from the date the CoC or partnering agency receives this notification, the CoC-EveryOne Home or partnering agency liaison will provide BHA with a list of eligible referrals including the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

### **Offers of Assistance with CoC Referral**

BHA may make an EHV available without a referral from the CoC-EveryOne Home or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with BHA's Emergency Transfer Plan (ETP) in Chapter 16.

BHA must also take direct referrals from outside the CoC if:

- The CoC-EveryOne Home does not have a sufficient number of eligible families to refer to BHA; or
- The CoC-EveryOne Home does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time BHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or BHA and CoC-EveryOne Home cannot identify any such alternative referral partner agencies), HUD may permit BHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

## **PART III: WAITING LIST MANAGEMENT**

### **TPS-III. A. HCV WAITING LIST**

The regulation that requires BHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 4 does not apply to PHAs operating the EHV program. Direct referrals are not added to BHA's HCV waiting list.

BHA must inform families on the HCV waiting list of the availability of EHV's by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

#### BHA Policy

BHA has posted information about the EHV program for families on BHA's HCV waiting list on their website. The notice:

Describes the eligible populations to which EHV's are limited

Clearly states that the availability of these EHV's is managed through a direct referral process

Advises the family to contact the CoC-EveryOne Home (or any other PHA referral partner, if applicable) if the family believes they may be eligible for EHV assistance.

BHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. BHA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

### **TPS-III.B. EHV WAITING LIST**

The HCV regulations requiring BHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC-EveryOne Home or partnering agency exceeds the EHV's available, BHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. BHA will work directly with its CoC-EveryOne Home and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

### **TPS-III.C. PREFERENCES**

#### **HCV Waiting List Preferences**

If local preferences are established by BHA for HCV, they do not apply to EHV's. However, if BHA has a homeless preference or a VAWA preference for the HCV waiting list, BHA must adopt additional policies related to EHV's in accordance with Notice PIH 2021-15.

#### BHA Policy

BHA does not offer either a homeless preference or a VAWA preference for the HCV waiting list.

## **EHV Waiting List Preferences**

With the exception of a residency preference, BHA may choose, in coordination with the CoC-EveryOne Home and other referral partners, to establish separate local preferences for EHV. BHA may, however, choose to not establish any local preferences for the EHV waiting list.

### BHA Policy

No local preferences have been established for the EHV waiting list.

## **PART IV: FAMILY ELIGIBILITY**

### **TPS-IV.A. OVERVIEW**

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to BHA. BHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

### **TPS-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBILITY**

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC-EveryOne Home or referring agency must provide documentation to BHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. BHA must retain this documentation as part of the family's file.

### **TPS-IV.C. PHA SCREENING**

#### **Overview**

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-

awarded custody of a child, BHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

### **Mandatory Denials**

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

BHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

#### BHA Policy

While BHA may deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, BHA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family. BHA will also work with referral partnering agencies to seek to obtain signatures on required consent forms where they may be missing.

### **Permissive Denial**

Notice PIH 2021-15 lists permissive prohibitions for which BHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If BHA intends to establish permissive prohibition policies for EHV applicants, BHA must first consult with its CoC-EveryOne Home partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

#### BHA Policy

In consultation with the CoC-EveryOne Home, BHA will apply permissive prohibition to the screening of EHV applicants. Determinations using permissive prohibitions will be made based on an individualized assessment of relevant mitigating information in accordance with policies in Section 3-III.E.

BHA will establish the following permissive prohibition:

If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.

BHA will also deny assistance to household members already receiving assistance from another program in accordance with Section 9.h. of Notice PIH 2021-15.

In compliance with PIH 2021-15, BHA **will not** deny an EHV applicant admission regardless of whether:



Any member of the family has been evicted from federally assisted housing in the last five years;

A PHA has ever terminated assistance under the program for any member of the family;

The family currently owes rent or other amounts to BHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

The family breached an agreement with BHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;

The family would otherwise be prohibited admission under alcohol abuse standards established by BHA in accordance with 24 CFR 982.553(a)(3);

BHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

#### **TPS-IV.D. INCOME VERIFICATION AT ADMISSION**

##### **Self-Certification at Admission**

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Section 7-I.B. do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of BHA's request.

##### BHA Policy

Any documents used for verification must be the original (not photocopies) and dated within the calendar year prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to BHA and must be signed by the family member whose information or status is being verified.

BHA will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 14. BHA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. BHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, BHA will terminate the family's assistance in accordance with the policies in Chapter 12.

##### **Recently Conducted Income Determinations**

PHAs may accept income calculations and verifications from third-party providers or from an examination that BHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

#### BHA Policy

BHA will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above.

The family certification must be made in a format acceptable to BHA and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual reexamination BHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 11.

#### **EIV Income Validation**

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, BHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 3.

If a PHA later determines that an ineligible family received assistance, BHA must take steps to terminate that family from the program in accordance with Chapter 12.

#### **TPS-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION**

For the EHV program, BHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless BHA provides an extension based on evidence from the family or confirmation from the CoC-EveryOne Home or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, BHA must take steps to terminate that family from the program.

#### BHA Policy

BHA will admit EHV applicants who are unable to provide the required SSN documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission.

If BHA determines that an ineligible family received assistance, BHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

#### **TPS-IV.F. AGE AND DISABILITY VERIFICATION**

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, BHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, BHA must take steps to terminate that family from the program.

##### BHA Policy

BHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to BHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, BHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. BHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If BHA determines that an ineligible family received assistance, BHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

#### **TPS-IV.G. INCOME TARGETING**

BHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and BHA Policy in Chapter 3; however, income targeting requirements do not apply for EHV families. BHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

##### BHA Policy

BHA will include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

### **PART V: HOUSING SEARCH AND LEASING**

#### **TPS-V.A. INITIAL VOUCHER TERM**

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Section 5-II.E. will apply.

##### BHA Policy

All EHV's will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless BHA grants an extension.

### **TPS-V.B. HOUSING SEARCH ASSISTANCE**

BHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by BHA or through the CoC-EveryOne Home or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family

#### BHA Policy

As identified in the MOU between BHA and CoC-EveryOne Home, the following housing search assistance will be provided to each EHV family:

BHA will:

Conduct owner outreach in accordance with policies in Chapter 13

Provide a listing of potential units as part of the EHV briefing packet

Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter

The CoC-EveryOne Home will:

Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods

Provide transportation assistance to potential units

Assist the family with the completion of rental applications and PHA forms

### **TPS-V.C. HQS PRE-INSPECTIONS**

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

#### BHA Policy

To the extent possible, BHA will pre-inspect units in which EHV households are residing and will continue to rent using their EHV, in other words households leasing “in place.”

### **TPS-V.D. INITIAL LEASE TERM**

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the BHA Policy in Section 9-I.E., Term of Assisted Tenancy.

### **TPS-V.E. PORTABILITY**

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to EHV. Exceptions are addressed below.

#### **Nonresident Applicants**

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of BHA Policy in Section 10-II.B.

#### **Billing and Absorption**

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether BHA administers EHV under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHV under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
  - If BHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
  - Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family’s EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA’s EHV policies and procedures and EHV portability provisions set forth in the MOU.
  - Each housing authority as signor of the MOU agrees not to absorb for the first 3 months of the MOU and agree to meet quarterly to regularly review and agree on absorption policies for EHV families before absorbing any ported vouchers that are from another jurisdiction/County.
- If the EHV family moves under portability to another PHA that is not a party to the MOU and that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

#### **Family Briefing**

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family’s assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

#### BHA Policy

In addition to following BHA Policy on briefings in Chapter 5, as part of the briefing packet for EHV families, BHA will include a written notice that BHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, BHA will provide interpretation services in accordance with BHA's LEP plan (See Chapter 2).

### **Coordination of Services**

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

#### BHA Policy

For EHV families who are exercising portability, when BHA contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, BHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

### **Services Fee**

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1,750, unless the initial PHA and receiving PHA mutually agree to change the \$1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up.
- If the receiving PHA administers EHV, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA administers EHV under its CACC and is part of the MOU, the initial PHA will provide the services funding up front to the receiving PHA for those fees and assistance. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA. The amount of the service fee provided by the initial PHA will be \$1750, unless otherwise mutually agreed upon between the two PHAs on a case by case basis.

- If the receiving PHA does not administer EHV's, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

### **Placement Fee/Issuance Reporting Fee**

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuance reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

## **TPS-V.F. PAYMENT STANDARDS**

### **Payment Standard Schedule**

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, BHA may, but is not required to, establish separate higher payment standards for EHV's. Lower EHV payment standards are not permitted. If BHA is increasing the regular HCV payment standard, BHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if BHA chooses to establish higher payments standards for EHV's, HUD has provided other regulatory waivers:

- Defining the “basic range” for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).

#### BHA Policy

BHA will establish a higher payment standard amount for EHV's at 120% of the FMR. This payment standard for EHV holders will remain in effect for as long as the EHV holder household remains in the EHV Program.

### **Rent Reasonableness**

All rent reasonableness requirements apply to EHV units, regardless of whether BHA has established an alternative or exception EHV payment standard.

### **Increases in Payment Standards**

The requirement that BHA apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. BHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

#### BHA Policy

BHA will not establish an alternative policy for increases in the payment standard. BHA Policy in Section 11-III.B. governing increases in payment standards will apply to EHV.

## **TPS-V.G. TERMINATION OF VOUCHERS**

After September 30, 2023, a PHA may not reissue EHV when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, BHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHV under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV to cease leasing any unleased EHV if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

## **PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS**

EHV funds allocated to BHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to BHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to BHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHV are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHV and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

BHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

BHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHV in accordance with the HCV program requirements at 24 CFR 982.158.



**Exhibit TPS-1: MEMORANDUM OF UNDERSTANDING (MOU)**

For a copy of the MOU, please visit: [www.cityofberkeley.info/BHA](http://www.cityofberkeley.info/BHA).