

# Landlord Tenant Law Basics

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Oregon  
Law Center

WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS



## **Hillsboro Regional Office**

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Monday-Friday

9:00am-4:00pm

# Mission



- ▶ The mission of the Oregon Law Center is to achieve justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services.



# Hillsboro Regional Office



Serves the following counties:

- Clatsop
- Columbia\*
- Tillamook
- Washington\*
- Yamhill\*



\*Office located within county



## Who we are

- ▶ A legal aid program that provides FREE legal services in civil cases to low income individuals in Oregon.
  - ▶ Areas of legal assistance:
    - Housing
    - Public Benefits
    - Family Law
    - Seniors
    - Employment
    - Expungement (Wa. Co.)
    - Immigrant Rights
    - Civil Rights



# What we do



- Self-help Resources
- Community Education Workshops
  - Referrals
  - Advice
- Limited Services Beyond Advice
  - Negotiated Settlements
- Representation in Administrative Hearings
  - Representation in Court
  - Representation of Groups

# A few basics about Oregon tenancies

- ▶ **\*IMPORTANT NOTE\*** presentation will not cover all intricacies of Oregon landlord tenant law\*
- ▶ The laws are found in the Oregon Residential Landlord and Tenant Act (ORLTA, ORS Chapter 90)
- ▶ Chapter 90 includes obligations and rights of both tenants and landlords, and contains:
  - ▶ Rules about how a tenancy can be terminated
  - ▶ Relatively new rules limiting no cause terminations and rent increases
  - ▶ Some COVID emergency tenant protections are not found in Chapter 90 but are from other sources
- ▶ Few different types of tenancies in Oregon (ORS 90.100(38):



# Week to week tenancies

- ▶ Week to week tenancy (the fewest rules and fewest tenant protections)
  - ▶ "If a tenancy is a week-to-week tenancy, the landlord or the tenant may terminate the tenancy by a written notice given to the other at least 10 days before the termination date specified in the notice."
    - ▶ ORS 90.427(2)
  - ▶ Essentially, this tenancy is not protected by Oregon's Just Cause eviction law, SB 608.
  - ▶ Tenant must still comply ORS 90.325 (tenant duties).
  - ▶ Landlord must still comply with its duties under ORS ch. 90, including 90.320 (habitability)



# Month to month tenancies

- ▶ Month to Month tenancies have greater tenant protections
  - ▶ Tenant may terminate tenancy at any time by giving 30 days notice to landlord ORS 90.427(3)(a)
  - ▶ Landlord may terminate tenancy with 30 days notice (any reason), but only during first year of occupancy.
  - ▶ After first year of occupancy, landlord can only terminate month to month tenancy for "landlord cause notice", which will be discussed later.
    - ▶ There are some limited exceptions to this, so check 90.427(3)(c)(A)
      - ▶ Violations of ORS 90.325, nonpayment of rent, evictions for cause, etc.
      - ▶ Rules are different for occupancy in a dwelling unit that is located in the same building or on the same property as the landlord's primary residence, and the building or the property contains not more than two dwelling units, (90.427(8))
  - ▶ Tenant must still comply ORS 90.325 (tenant duties).
  - ▶ Landlord must still comply with its duties under ORS ch. 90, including 90.320 (habitability)

# Fixed-term tenancies

- ▶ Fixed-term tenancies are the most rigid.
  - ▶ Tenant cannot break lease, except for limited circumstances
    - ▶ ORS 90.453 (Domestic violence); ORS 90.360 (landlord breach of habitability obligations)
  - ▶ Landlord may terminate fixed-term tenancy only for cause as outlined in ORS 90.427(4)(a)
  - ▶ If the fixed term concludes before first year of occupancy, landlord can give no cause notice @ end of fixed-term
    - ▶ Must give at least 30 days notice before the end of the fixed-term. ORS 90.427(4)(b)
- ▶ Tenant must still comply ORS 90.325 (tenant duties).
- ▶ Landlord must still comply with its duties under ORS ch. 90, including 90.320 (habitability)



# Landlord Obligations

- ▶ 90.320: Landlord must maintain premises in a habitable condition
  - ▶ E.g. things work as they should, weatherproofing, adequate flooring
- ▶ 90.315: LL must disclose to T utilities that T must pay
  - ▶ LL may, if notice to the T, pay bill directly to provider and bill T,
    - ▶ Must provide the bill to T w/in 30 days of receiving provider's bill
    - ▶ Must distinctly state the rent owed v. the amount of utility owed
    - ▶ Must explain how provider assesses the charge
    - ▶ Must provide copy of provider or bill, or give tenant access to inspect provider's bill
  - ▶ LL may charge an add'l amount, not exceeding 10% of utility or service charge for certain utilities (internet, cable TV, satellite, video subscription)
    - ▶ This is complicated process for LL to do correctly.

# Landlord Obligation, cont'd.

- ▶ 90.322 Landlord access
  - ▶ LL does not have the right to enter rental premises unless specifically allowed
    - ▶ May enter w/o notice for an emergency (must give notice w/in 24 hours of the entry)
    - ▶ May enter to inspect, show the property, make agreed upon renovations.
    - ▶ If T requests repair, LL can enter w/o further notice to make repair
    - ▶ If rental agmt provides, LL can enter property to do yard maintenance
  - ▶ Generally, LL must give at least 24 hour notice, T has right to deny entry, but must do so in compliance w/ the statute



# Landlord Obligation, cont'd.

- ▶ May not retaliate against T
  - ▶ 90.385: LL may not give Notice of termination, or decrease services b/c T took certain actions:
    - ▶ Certain actions include: (1) complaining to gov't agency about LL, (2) testified against LL in a court proceeding, (3) complained to LL in good faith about something related to tenancy
- ▶ May only increase the rent in compliance w/90.323 and 90.324 (more on this later)
- ▶ May not discriminate against victims of DV
  - ▶ T has the right to be relieved of lease obligations if requested in writing (see 90.453(2))
  - ▶ If T requests, LL must change locks (at T's expense) or allow T to change locks
  - ▶ If perpetrator lives in home, T must provide copy of restraining order, LL must change or allow T to change locks, LL has no further obligations to perpetrator.

# Landlord Obligation, cont'd.

- ▶ Tenant screening
  - ▶ LL can charge a screening fee for evaluating applicants
    - ▶ ORS 90.295—only cost to cover the act of screening
    - ▶ Must have adopted written screening criteria
    - ▶ Gives written notice to applicant of:
      - ▶ Amt of screening charge
      - ▶ Written screening criteria
      - ▶ LL's process typically followed to screen
      - ▶ Applicant's right to dispute



# Landlord Obligation, cont'd.

- ▶ Tenant screening 90.303 and 90.304
  - ▶ LL can consider:
    - ▶ Credit history
    - ▶ Certain criminal activity (person crimes, drug crimes excluding marijuana, sex offenses, financial fraud, other criminal activity that could adversely affect (1) property of LL, (2) health/peaceful enjoyment of other residents.
    - ▶ Rental history, including recent eviction judgments
    - ▶ Insufficient income
    - ▶ Bad references
  - ▶ LL cannot consider:
    - ▶ Old eviction cases (more than five years old)
    - ▶ Eviction cases that did not result in a judgment against the T
  - ▶ Applicant may recover \$100 for LL violation of above

# Landlord Obligation, cont'd.

- ▶ Security deposits and last month's rent 90.300
  - ▶ Must provide receipt for pymt
  - ▶ Must include in rental agmt, if applicable
  - ▶ Cannot charge a pet deposit for a service animal
  - ▶ LL may only deduct from the deposit:
    - ▶ T's default in financial terms: rent, utility pymts to LL, etc.
    - ▶ Repair damages caused by tenant beyond ordinary wear and tear
  - ▶ LL must provide T with statement of accounting, and any left over security deposit within 31 of days of T moving out of unit
  - ▶ LL must apply last month's rent either party gives a notice of termination of the tenancy, except for NP of rent notices issued by LL, or when parties agree to terminate the tenancy



# Tenant Duties 90.325

- ▶ T shall:
  - ▶ Use all parts of the premises as intended
  - ▶ Keep rented premises clean and free of rubbish, rodents and vermin
  - ▶ Test CO and smoke detectors every 6 months and replace batteries
  - ▶ Behave and require others their with permission to behave in a way that won't disturb peaceful enjoyment of their neighbors.
  - ▶ Tenant shall not intentionally damage premises
    - ▶ T not responsible for (1) Act of God, (2) perpetrator of domestic violence
  - ▶ Pay rent as required by terms of rental agmt

# Termination and Eviction

- ▶ Termination of a tenancy and eviction are not the same thing
  - ▶ Generally, a termination occurs when a landlord gives a tenant a written notice to end the tenancy
  - ▶ Generally, an eviction only occurs after a tenant refuses to comply with a termination notice and then also loses a court case
  - ▶ The landlord cannot change locks or have the sheriff remove you without going to court
  - ▶ Unlawful Ouster: 90.375
    - ▶ LL "unlawfully removes or excludes the tenant from the premises"
    - ▶ LL "seriously attempts or seriously threatens unlawfully to remove or exclude the tenant from the premises"
    - ▶ Or, LL "willfully diminishes or seriously attempts or seriously threatens unlawfully to diminish services to the tenant by interrupting or causing the interruption of heat, running water, hot water, electric or other essential service"
    - ▶ T may:
      - ▶ obtain injunctive relief to recover possession
      - ▶ T may terminate the rental agreement
      - ▶ T may collect damages of up to two months contract rent OR Actual damages, whichever is greater.



# Eviction process outline

- ▶ 1. Landlord gives a notice of termination
- ▶ 2. T doesn't voluntarily leave by the deadline
- ▶ 3. Landlord files an eviction (FED) case in court
- ▶ 4. T served a summons and complaint
- ▶ 5. T must attend "first appearance"
  - ▶ You mediate an agreement (failure to follow the agreement can result in eviction judgment against you without the trial step), or
  - ▶ You file an answer and go to trial
- ▶ 6. Eviction trial
  - ▶ Either you win and get to stay or the landlord wins and a judgment of eviction is entered against you.
- ▶ 7. If landlord wins at trial, sheriff enforces eviction

# Termination Notices

- ▶ General Guidelines:
  - ▶ Must specify vacate date
  - ▶ Must be in writing
  - ▶ Must be served/delivered in accordance with the law
  - ▶ Must contain required language (e.g. veterans notice)
- ▶ 90.396—24 hour notice of termination
  - ▶ Allegation of serious tenant misconduct
    - ▶ E.g. Threat of substantial personal injury, causing serious physical injury, manufacturing controlled substances, etc.
  - ▶ No right to cure
- ▶ 90.392—30 day notice for cause
  - ▶ Commonly: (1) Material violation of rental agreement; (2) Violation of duties under 90.325 (tenant duties); (3) Nonpayment of rent.
  - ▶ If possible, must provide a date for cure and at least one way to cure. (e.g. T denied access, T can cure by allowing access)
  - ▶ If T cures, LL cannot file FED case. For period of six months, LL may give 10 day “repeat” notice for same or substantially similar conduct, w/no right to cure



# Termination Notices, Cont'd.

- ▶ 90.394 Nonpayment of Rent notice:
  - ▶ Until September 30, 2022, LL must provide at least a 10 day notice of nonpayment.
    - ▶ LL must specify cure payment amount and date by which to cure.
  - ▶ After 9/30, Law reverts back to minimum 72 hour notice.
- ▶ 90.427 Landlord qualifying reasons
  - ▶ After first year of occupancy, LL can only terminate for previously mentioned reasons OR LL qualifying reasons
    - ▶ 90 day notice required.
    - ▶ If LL owns five or more rental units, must pay 1 month's rent to T as a relocation payment
  - ▶ LQRs are:
    - ▶ Demolition or unit or conversion to non-residential use
    - ▶ Repairs or renovations that will make unit uninhabitable
    - ▶ LL or LL family member will be moving into unit
    - ▶ LL has sold unit

# Chapter 90 limits on rent increases

- ▶ A landlord may not increase the rent during the first year of a tenancy
- ▶ After the first year, the landlord can increase the rent by a maximum of 7% plus the previous year's consumer price index
  - ▶ For 2022: 9.9%
  - ▶ For 2021: 9.2%
  - ▶ For 2020: 9.9%
- ▶ Landlord must give at least 90 days written notice
- ▶ Yearly rent increase limits are posted on the Oregon Department of Administrative Services website, currently at: <https://www.oregon.gov/das/OEA/Pages/Rent-stabilization.aspx>



# RESOURCES

- ▶ [Oregonlawhelp.org](http://Oregonlawhelp.org): Help resources for tenant's and also helpful explainers for practitioners.
- ▶ [Oregonrentersrights.org](http://Oregonrentersrights.org): Very helpful pro se guides for a number of different landlord tenant scenarios
- ▶ [droregon.org/know-your-rights](http://droregon.org/know-your-rights): helpful guides for persons with disabilities with disabilities
  - ▶ Reasonable accommodation/modifications
  - ▶ Live-in aides



# HAWC FSS Program: Implementing Final Rule Changes

| October 20, 2022

Department of Housing  
Services

[www.co.washington.or.us](http://www.co.washington.or.us)



# → What is FSS

FSS Supports Self-Sufficiency goals for HCV and PH families through these key features:

- **Dedicated FSS coach and advocate** - ( *FSS Coordinator* )
- **HUD-funded savings account** - ( *Escrow account* )
- **Matched savings accounts** – ( *IDA Saver account* )
- **Building new skills** – ( *Finances, home ownership* )
- **Resources** – ( *scholarships, supports, partnerships* )

# → Family Outcomes



## **Chenise**

Mother of five children

Works for Multnomah County

Leveraged her escrow and IDA funds to purchase her own home. Now enrolled in our HOP program

## **Sarah**

Mother of two children

Works as an RN

Spent 5 years on TANF while in nursing school and now makes over \$40 per hour







# Family Outcomes Continued...



## **Rachel Ley**

Rachel used some of her escrow to pay off all debts and increase her credit score. Now she has been approved for a loan on her dream home

## **Tanya Hughes**

Tanya made the transition from managing a bar to working for the Sheriff's office. She has been promoted twice and recently gave up her voucher

## **Amina Abdirahman**

Amina recently graduated with the highest escrow amount on record, over \$54,000. She plans to purchase her own home and help her family

## → New HUD FSS Rule changes

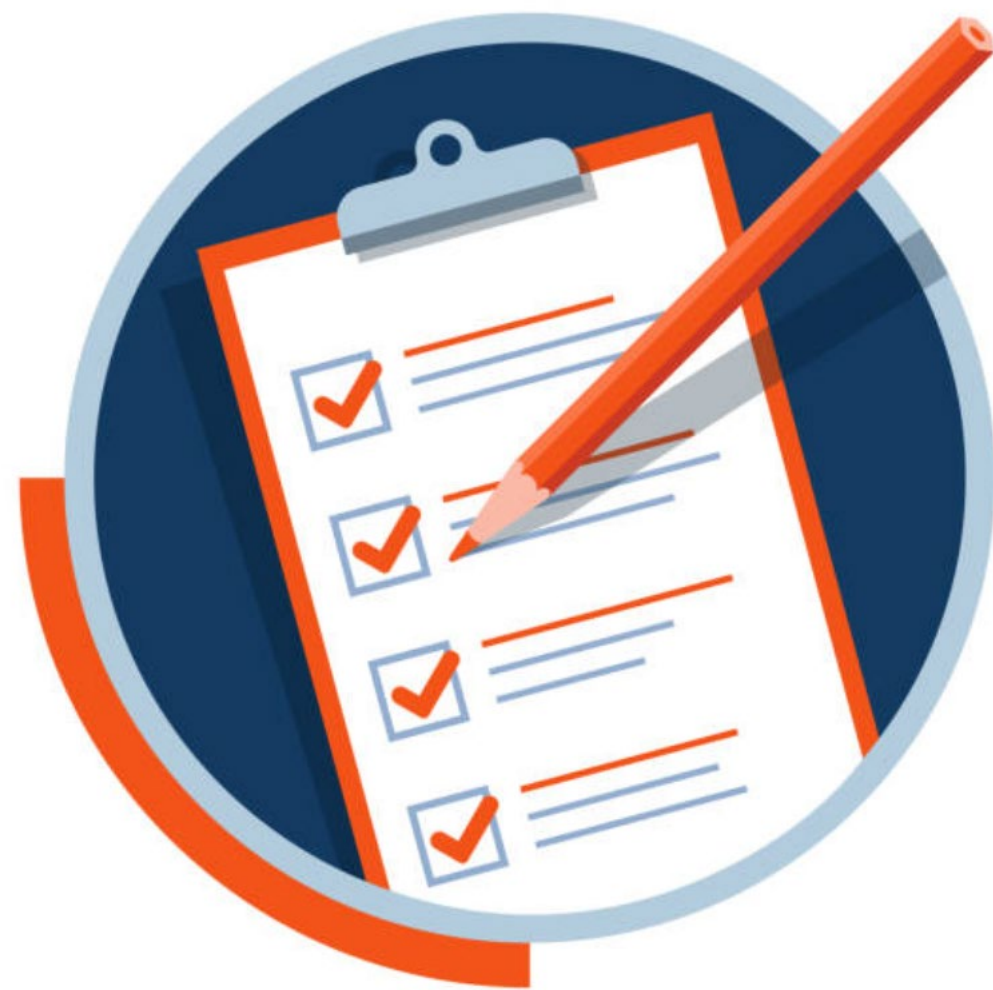
On May 17, 2022 HUD implemented FSS rule changes to promote economic growth and make the program more accessible to low-income households.

HUD requires that every PHA update their FSS Action Plan to reflect the rule changes and submit the updated plan to HUD for approval before October.





# In your Packet



**We will review some of the changes today but they are detailed in full in your packets**

- **Summary:** A one-page summary of the changes included in the final rule
- **Checklist:** The HUD required Action Plan checklist that will accompany our submission
- **Document:** The Draft FSS Action Plan developed by the FSS Team

# → Key Changes

- Expanded voucher types eligible for program
  - FYI and HOP
- More flexible requirements for PCC members
  - One resident of HCV and one PH
  - FSS Coordinator
- Allow non-HOH to sign contracts and earn escrow
- More flexible conditions for mandatory goals and contract length





# Key Changes Continued...



- Escrow calculations revised
- Allows escrow forfeitures to be used for supportive services
- More flexible definition of supportive services
- Extends conditions to collect escrow funds
- Give participating families more input into goal completion and contract terms

# → The Program Coordinating Committee (PCC)

The Program Coordinating Committee has the primary goal to partner with the FSS Coordinator to create and maintain an FSS program that is a community partnership, not just another internal housing program

**In several months we will solicit volunteers from the HAC to participate in the PCC.**



# → Implementation

- ✓ Revise FSS Action Plan for HUD approval
- ✓ Stop FSS enrollments until revision is approved
- Use new Contract after implementation
- Have **all** existing participants sign new Contract
- Brief **all** FSS participants on Final Rule changes
- Business system updates for escrow calculation
- Internal procedures for Supportive Services provision
- Establish new PCC under new guidelines

# → Immediate steps



- Confirm HAC Approval of Draft Action Plan
- PHA staff submit Action Plan to HUD
- Once approved staff will:
  - Begin full implementation
  - Report back to the HAC to present final plan and invite participation in re-established PCC





# Questions?



Department of Housing Services  
[www.co.washington.or.us](http://www.co.washington.or.us)



## HUD Family Self-sufficiency Program Final Rule Summary

The following changes from HUD for the FSS Program went into effect June 16, 2022 and must be implemented by HAWC no later than November 16, 2022. All FSS Programs will be required to update their FSS Action Plans to reflect the new regulations, submit to HUD and be approved before we can start enrolling new participants under the new regulations. In order to have the new regs apply to existing FSS participants, we must, person-by-person, sign an updated Contract of Participation (CoP) to indicated that we have discussed the new rules with the participant and they want to have the new rules apply to them.

The HAWC FSS Action Plan has been revised and is ready for review and approval by the HAC. The revised Action Plan must be submitted to HUD no later than September 30<sup>th</sup>. The following is a summary of the FSS Final Rule changes:

- Eligible rental assistance programs have been expanded to include Project-based Rental Assistance Property Owners, Foster Youth Independence Initiative (FYI) voucher holders, and participants of the Home Ownership Program (HOP).
- Changes in FSS Program Coordination Committee (PCC) requirements, requiring one or more FSS Coordinators, and one or more participants from each rental assistance program served. The new rule recommends but no longer requires a resident counsel to identify Public Housing participants and members from local training providers and financial empowerment institutions
- Eligibility for non-Head-of Household age 18 or older to be designated FSS Head of Family
- Changing COP end date from 5 years after effective date to 5 years after first recertification
- Suitable employment re-defined to consult with FSS Head of Family
- Escrow calculation method revised
- 120-day recent income verification for baseline enrollment has been removed
- Funds owed to PHA can only be collected at time of final escrow disbursement
- Forfeit escrow funds may be used as Supportive Services to help FSS families in good standing
- Additional PHA discretion on granting COP extensions for good cause
- TANF regulation for graduation changed from last 12 months of COP to last day of COP
- Provisions for escrow disbursement when COP is terminated under certain circumstances
- Provisions for Escrow disbursement when Porting with good cause causes COP termination
- New broader definitions for Supportive Services
- PHA must consult with family over designation of FSS Head of Family
- PHA may not amend HUD mandatory goals for graduation

## Family Self Sufficiency Action Plan Review Checklist

The Family Self Sufficiency (FSS) Action Plan shall describe the policies and procedures of the Public Housing Authority (PHA) or Multifamily Property Owner for operation of a local FSS program. FSS Action Plan requirements, including procedures concerning the development and approval of the plan, are described in the Code of Federal Regulations at [24 CFR 984.201](#). The [FSS Guidebook may also be used as a helpful resource in the development of FSS Action Plan policies](#) (Section 1.3, *FSS Action Plan and Core Documents for the FSS Program* outlines the basic requirements). The Action Plan shall be developed by the PHA or owner in consultation with the chief executive officer of the applicable unit of general local government and the Program Coordinating Committee.

The table below lists the required information of an FSS Action Plan. It follows the same order and categories listed in the regulation (24 CFR 984.201(d)). Other FSS regulatory references that provide additional information concerning a particular topic are included below for convenience.

### HUD USE

Reviewer Name \_\_\_\_\_

Reviewer Email \_\_\_\_\_

Reviewer Office Location \_\_\_\_\_

Approved  Denied

Decision Date \_\_\_\_\_



**FOR PBRA PROPERTY OWNERS**

**PRBA Contract Number** \_\_\_\_\_

**Property Name** \_\_\_\_\_

*(Only list more than one Property if it is a joint FSS program or if there is a Cooperative Agreement between the entities. Otherwise, each Property requires a separate Action Plan. You may add more lines, if needed.)*

**Primary Point of Contact for this FSS Action Plan**

Name \_\_\_\_\_

Title \_\_\_\_\_

Email \_\_\_\_\_

Phone Number \_\_\_\_\_

HUD Account Executive \_\_\_\_\_

HUD Account Executive Email \_\_\_\_\_

HUD Account Executive Regional Center \_\_\_\_\_

**NOT APPLICABLE**

**Please submit your completed FSS Action Plan Checklist and FSS Action Plan to your HUD Account Executive via the Incoming email box for the appropriate Regional Center.**

**FOR PUBLIC HOUSING AUTHORITIES**

PHA Name Housing Authority of Washington County

PHA Code (e.g. IL006) OR 022

Field Office Location Portland - \_\_\_\_\_

PHA Grant Manager Name Emily Nichols

PHA Grant Manager Email Emily\_Nichols@co.washington.or.us

*(Only list more than one PHA if it is a joint FSS program or if there is a Cooperative Agreement between the entities. Otherwise, each PHA requires a separate Action Plan. You may add more lines, if needed.)*

**Primary Point of Contact for this FSS Action Plan**

Name Emily Nichols

Title Program Coordinator

Email Emily\_Nichols@co.washington.or.us

Phone Number (503) 846-4814

**Please submit your completed FSS Action Plan Checklist and FSS Action Plan to [PHAFSSActionPlans@hud.gov](mailto:PHAFSSActionPlans@hud.gov). Include PHA Name and PHA Code in email subject line.**



Required Information	Description	Page Number(s)	Notes (for PHA/owner and/or HUD)
<b>Family Demographics</b>	<p>A description of the characteristics of the families expected to be served by the FSS program (including ethnic and racial data, program size) and the supportive service needs of the expected population.</p> <p><i>Note:</i> New FSS programs may assume that FSS participants will be similar to the general population of the PHA or property.</p> <p><i>(see FSS Guidebook Section 1.3 FSS Action Plan and Core Documents for the FSS Program, FSS Action Plan)</i></p>	3	
<b>Estimate of participating families (program size/number of FSS slots)</b>	<p>An estimate of the number of eligible families who can reasonably be expected to receive supportive services based on available resources.</p> <ul style="list-style-type: none"> <li>• If families from another self-sufficiency program are expected to enroll in the FSS program, the number of those families must be also estimated.</li> <li>• Please note that this is different from the minimum number of families that a PHA is funded to serve.</li> <li>• PHAs ONLY - This number must be at least the minimum program size required for your agency, if applicable. (If you don't know if you still have a Mandatory Minimum Program or don't know how many slots you have, please consult your field office or include the best numbers you have.)</li> </ul> <p><i>(see 24 CFR 984.105 and FSS Guidebook Section 2.1 Overview of the FSS Program Coordinator Position, Caseload Size; Section and, Section 6.6 Minimum FSS Program Size)</i></p>	4	
<b>Eligible families from other self-sufficiency program</b>	<p>If applicable, the number of families, by program type, who are participating in other self-sufficiency programs that are expected to enroll in FSS.</p>	N/A	

Required Information	Description	Page Number(s)	Notes (for PHA/owner and/or HUD)
<b>FSS family selection procedures</b>	<p>Policies and procedures for selecting FSS participants, including whether the PHA or owner will offer a preference to prospective participants who are already enrolled in, or on the waiting list for, FSS-related service programs and whether the FSS program plans to screen prospective participants for motivation to participate (the only allowable screening criteria to include).</p> <p>And, a description of how the PHA’s selection procedures ensure selection without regard to race, color, religion, sex, handicap, familial status, or national origin.</p> <p><i>(see 24 CFR 984.203 and FSS Guidebook Section 2.2 Outreach and Enrollment)</i></p>	6	
<b>Incentives to encourage participation</b>	<p>A description of the incentives that the PHA or owner intends to offer eligible families to encourage participation in the FSS program, including FSS escrow accounts.</p> <p><i>(see 24 CFR 984.305 and FSS Guidebook Section 2.2 Outreach and Enrollment)</i></p>	6	
<b>Outreach efforts</b>	<p>A description of the planned notification and outreach efforts by the PHA or owner to recruit FSS participants from among eligible families and to provide FSS information to minority and non-minority families.</p> <p><i>(see FSS Guidebook Section 2.2 Outreach and Enrollment)</i></p>	5	
<b>FSS activities and supportive services</b>	<p>A description of the activities and supportive services to be provided to FSS families by both public and private providers and identification of the public and private resources which are expected to provide the supportive services.</p> <p><i>(see FSS Guidebook Section 3.3 Referrals to Service Providers)</i></p>	16	

Required Information	Description	Page Number(s)	Notes (for PHA/owner and/or HUD)
<b>Method for identification of family support needs</b>	A description of how the FSS program will identify the needs of participating families and deliver the appropriate support services. <i>(see FSS Guidebook Section 2.4 Participant Assessments)</i>	15	
<b>Program termination; withholding of services; and available grievance procedures</b>	Policies for terminating or withholding supportive services or FSS participation for failure to comply with the Contract of Participation. And, the grievance and hearing procedures available to FSS families. <i>(see FSS Guidebook Section 2.3 Contract of Participation and Individual Training and Services Plan)</i>	10-12	
<b>Assurances of non-interference with the rights of non-participating families</b>	A statement that provides an assurance that a family's election not to participate in the FSS program will not affect the family's participation in the rental assistance program. <i>(see FSS Guidebook Section 1.2 What is FSS and Why is it Important?)</i>	6	
<b>Timetable for program implementation</b>	A schedule for program implementation and for filling all FSS slots with eligible FSS families. <i>(see FSS Guidebook Section 2.2 Outreach and Enrollment)</i>	5	



Required Information	Description	Page Number(s)	Notes (for PHA/owner and/or HUD)
<b>Certification of coordination</b>	<p><b>PHAs only</b> - A certification by the PHA that the development of the services and activities scheduled to be provided under the FSS program has been coordinated with public and private providers, including self-sufficiency programs of the Departments of Labor and Health and Human Services, and other employment, childcare, transportation, training, and education programs. And, that implementation will continue to be coordinated with these local public and private providers to avoid duplication of services. (This provision does not apply to multifamily owners.)</p> <p><i>(see FSS Guidebook Section 3.3 Referrals to Service Providers, and Section 6.1 Building Partnerships)</i></p>	5	

Required Information	Description	Page Number(s)	Notes (for PHA/owner and/or HUD)
<b>Availability of a Program Coordinating Committee (PCC)</b>	<p><b>PBRA owners only:</b></p> <p>A statement indicating whether there is an existing PCC that serves the area where the property is located.</p> <p>If there is an existing PCC where the property is located, a statement indicating whether it is available for the owner to work with.</p> <ul style="list-style-type: none"> <li>○ Note: If the owner has made good-faith attempts to reach out to the existing PCC about joining and has received an unfavorable response/no response, then the existing PCC is not considered available.</li> </ul> <p>If there is a PCC that is available for the owner to work with, a statement indicating whether the owner will work with the existing PCC or start their own.</p> <p>If there is NO existing PCC that is available for the owner to join, a statement indicating whether the owner plans to start their own.</p> <ul style="list-style-type: none"> <li>○ If there is no available PCC, the owner is not required to start their own, but is encouraged to do so. If the owner chooses not to start a PCC, HUD encourages them to develop an alternative approach allowing them to get regular feedback from service providers and FSS participants.</li> </ul>	<p>N/A</p>	
<b>Other Required Policies (codified either in the Action Plan or separately)</b>	<p>Any other information that would help HUD determine the soundness of the PHA's FSS program.</p> <p>Examples of policies in list below. <i>(see FSS Guidebook Section 1.3 FSS Action Plan and Core Documents for the FSS Program)</i></p>	<p>See Below</p>	
	<p>Policies related to the modification of goals in the ITSP, including limits on modifications as participants approach graduation;</p>	<p>8</p>	

Required Information	Description	Page Number(s)	Notes (for PHA/owner and/or HUD)
	The circumstances in which an extension of the Contract of Participation may be granted	9	
	Policies on the interim disbursement of escrow, including limitations on the use of the funds (if any);	19	
	Policies regarding eligible uses of forfeited escrow funds by families in good standing;	16	
	Policies regarding the re-enrollment of previous FSS participants, including graduates and those who exited the program without graduating;	12	
	Policies on requirements for documentation of goal completion;	10	
	Policies on documentation, designation, and change of the household's designation of the "Head of FSS family;"	7,9	
	Policies for providing an FSS selection preference for portable families (if the PHA elects to offer such a preference).	5	
	Other policies FSS program related policies over which PHA or owner has discretion (if applicable).  Please add rows and list.	N/A	



# Housing Authority of Washington County

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Family Self Sufficiency (FSS)

# Administrative Action Plan



REVISED JULY 2022

Housing Authority of Washington County



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## Introduction

### What is the Family Self-Sufficiency (FSS) Program?

The Family Self-Sufficiency Program (FSS) is a voluntary HUD program that encourages communities to develop local strategies to help eligible families obtain employment that will lead to economic independence and self-sufficiency.

The FSS program is five-year program designed to help individuals and families acquire the skills and experience they need to obtain and retain employment that supports self-sufficiency. The program also offers households an opportunity to build assets through a managed escrow account with PHA deposits based on increases in family earned income earned income.

The FSS program involves coaching, counseling, and referral services which are provided based on the families' specific needs in the following areas:

- Career exploration
- Access to job training programs
- Professional development skills
- Job search resources
- Access to continuing education
- Home ownership readiness
- Small business readiness
- Credit building and debt management
- Community partnerships for supportive services and wrap-around services
- Family wellness
- Resources for childcare and transportation assistance

The two key features of the FSS program are detailed below:

#### **One: Case Management and Coaching**

A dedicated FSS Coordinator who will serve as a coach and advocate to each FSS participant. The coordinator will assist program participants in the following areas:

- Setting and working towards self-sufficiency goals
- Seeking and maintaining suitable employment
- Providing career development services
- Accessing key supportive services and resources available
- Helping the individual / family navigate towards self-sufficiency
- Connecting participants with community partnerships
- Providing encouragement and support throughout the participant's FSS contract

#### **Two: FSS Escrow Account**

A HUD-funded escrow is established in each participant's name and accessible to them once they meet their established goals and graduate from the FSS program. Funds deposited into this account are based on increases in earned income after enrollment into the program. These funds are intended to assist the participant with achieving self-sufficiency goals such as home ownership, starting a small business, continuing their education, eliminating debt, or establishing a savings account.

**Program Objective:**

The FSS program helps families increase their earnings and build financial capability and assets. The FSS program identifies each participant’s individual needs and coordinates the delivery of a comprehensive set of supportive services that assist them in obtaining skills and services which remove barriers to family-sustaining employment. These services, provided by private and public resources in Washington County, in conjunction with their housing assistance, will enable households to achieve economic independence and self-sufficiency.

**HAWC Family Demographics as of July 2022 :**

**Head of Household Race:**

- Caucasian: 79%
- African American: 13%
- Native American: 1%
- Asian: 4%
- Pacific Islander: 1%
- Two or more races: 1%

**Head of Household ethnicity:**

- Hispanic or Latino: 16%
- Not Hispanic or Latino: 16%

**Distribution of Family Type**

Family Type	Elderly Head of Household	Children	Disabled Head of Household	Percent*
Non-elderly, no children, disabled	No	No	Yes	27%
Non-elderly, with children, non-disabled	No	Yes	No	25%
Elderly, no children, disabled	Yes	No	Yes	21%
Non-elderly, with children, disabled	No	Yes	Yes	10%
Non-Elderly, no children, non-disabled	No	No	No	9%
Elderly, no children, non-disabled	Yes	No	No	8%
Elderly, with children, non-disabled	Yes	Yes	No	1%
Elderly, with children, disabled	Yes	Yes	Yes	1%

\*Family type distribution may add up to more than 100% due to rounding in individual categories

**Length of stay for rental assistance**

- < 1 year: 11%
- 1-2 years: 5%
- 2-5 years: 13%
- 5-10 years: 26%
- 10-20 years: 29%
- 20+ years: 17%



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## Program size and estimate of participating families

- Average FSS Program enrollment is 65-75 households
- As of August 2022:
  - Approximately 22 households are in the process of application and enrollment
  - An additional 33 households are on our FSS Program Interest List
  - Estimated current program capacity is 60 - 85 households
  - Currently the program is staffing is 1.25 FTE
  - Current staff assigned as FSS Coordinator is 1 @ 1.0 FTE and 1 @ .25 FTE

## Supportive service needs based on current enrollment

- Home Ownership Readiness: 79%
- Continued education or Occupational Skills Training: 63%
- Sustainable employment or career exploration: 49%
- Savings for the future: 48%
- Reduce debt or improve credit: 31%
- Increase professional or interpersonal skills: 12%
- Small business startup or expansion: 7%
- Other anticipated Supportive Service needs seem aligned with the definition of Supportive Services established within this Action Plan.

## Estimate of Participating Families

HAWC estimates the number of eligible families who are work-able and can reasonably be expected to receive supportive services within the various eligible rental assistance programs offered to be about 1,100 households. Of these, based on available resources in the community and available staffing for FSS program coordination, we estimate our capacity is to serve approximately 10%-15% of this population, or 75-150 participants. The FSS program at HAWC meets requirements for minimum program size.

## Design and Administration

### The Program Coordinating Committee (PCC)

Part of HUD's requirements for an FSS program is to establish and maintain a Program Coordinating Committee (PCC). The role of the committee is to:

- Assist in securing commitments from public and private services
- Assist in the development, implementation, and review of this FSS Administrative Action Plan
- Assist in policy changes that would identify increases in available supportive services
- Assist FSS Coordinators with development, implementation, and review of FSS program evaluation system
- Assist in providing linkages to resources within the community for the operation of the FSS program
- Meet on a regular basis to accomplish the goals of the FSS Administrative Action Plan

The Program Coordinating Committee will include staff from the Housing Authority of Washington County (HAWC). The PCC will consist of:

- At least FSS Coordinator from HAWC Staff
- At least one FSS participant from a Tenant Based Voucher program and one from Public Housing
- May also include community partners from city government, county government, educational institutions, and private and non-profit institutions

The PCC will meet at least bi-annually.

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## Timetable for implementation

The FSS program has been actively operating at HAWC since 1990 and mandatory program enrollment size has been reached. All mandatory slots have been filled and only voluntary slots remain. FSS Coordinators carefully monitor intake and exit processes to ensure that the program enrollment continues to align with program capacity.

## Certification of Coordination

On January 26, 2016, HAWC entered into an Aligned Partner agreement with WorkSource Portland Metro (WSPM). This agreement provides an understanding that HAWC and WSPM will work together to coordinate efforts to support self-sufficiency for mutual clients. Both HAWC and WSPM will work together to target services and resources for families, as well as coordinate and streamline administrative functions to ensure efficient delivery of services to families and avoid duplication of services.

On January 20, 2016, HAWC entered into a Memorandum of Agreement (MOU) with the Department of Human Services (DHS) of Washington County. This agreement provides an understanding that HAWC and DHS will work together to coordinate efforts to support self-sufficiency for mutual clients. Both HAWC and DHS will work together to target services and resources for families, as well as coordinate and streamline administrative functions to ensure efficient delivery of services to families and avoid duplication of services.

## Outreach Efforts

We will reach out to all active HCV recipients, Public Housing residents, VASH voucher recipients, FYI voucher recipients, and other FSS eligible residents with information about the FSS program whenever open slots are available. The information will include benefits of the program and the enrollment process. This information will be mailed to residents with their recertification packets. Outreach efforts may also include providing FSS program information to our community partners such as WorkSource and DHS to pass along to their qualifying clients.

When the FSS program is at capacity, a waitlist will be established and maintained for all interested FSS candidates who qualify for the program. Families appear on the waitlist in order of the date they first expressed interest. Families will be selected from the waitlist based on the following preferences:

- Recipients of an FYI voucher will be given preference on the waitlist
- Households with current Contracts of Participation moving into HAWC's jurisdiction under portability will be given preference on the waiting list

Remaining families will be selected from the waitlist without preferences based on the following:

- The date the family first expressed interest in the FSS Program
- Length of time the family has lived on subsidized housing (in the event there is more than one family expressing interest on the same day)

Once a family's name reaches the top of the waitlist and there is an open slot in FSS program based on capacity and staffing of FSS Coordinators, the family will be invited to attend the next scheduled FSS Orientation.

Families on the FSS waitlist will be given three opportunities to attend scheduled FSS Orientations. If after the third invitation the family has not responded, they will be contacted through various methods to determine if they still have an interest in the FSS program. If after two attempts to determine continued interest, there is

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no response from the family, a letter will be mailed to the family informing them of HAWC's intent to remove them from the waitlist if no response is received within 30 days. Families removed from the waitlist expressing an interest to participate in the FSS program may be placed back on the waitlist, but the new date of interest will be used to determine their position on the waitlist.

FSS Coordinators may also attend eligible rental assistance voucher briefings to explain the FSS program to new voucher recipients, answer questions about the program and provide information about the FSS enrollment process.

Information about the FSS program will also be made available through the Housing Authority's webpage, and an annual FSS newsletter emailed to current FSS participants and residents on the FSS Interest List.

### **Assurance of Non-interference**

No individual or family that chooses not to participate or is terminated from the FSS program will be discriminated against in any way, including denial, delay, or termination of HCV, Public Housing, or VASH program participation. Termination from the FSS program shall not be a means of termination from any rental assistance programs.

### **Benefits and incentives of the FSS program**

Outreach materials will include a list of the potential benefits of the FSS program, including but not limited to:

- The possibility to accrue savings through a HUD-funded escrow account
- Coaching from a dedicated self-sufficiency coach and advocate
- Opportunities to learn new skills and gain new credentials
- Access to counseling on finances, debt management, and more
- Opportunities to access strengths, skills, and career exploration tools
- Connections to partnering agencies to help with supportive services
- Encouragement and tools to gain self-sufficiency
- Eligibility to apply for a matched Individual Development Account (IDA)

HAWC currently provides no incentives for enrollment or participation beyond the escrow account and other benefits listed above.

## **Policies and procedures for selecting FSS participants**

### **Enrollment eligibility**

The following types of rental assistance are eligible to participate in the FSS program:

- Section 9 – Public Housing
- Section 8 – HCV including all special purpose vouchers (FUP, FYI, VASH, EHCV, Mainstream)
- HCV – Home Ownership Program (HOP)
- Project Based Rental Assistance (PBRA) also known as multifamily

Eligible residents interested in enrolling in the FSS program will be placed on an FSS Interest List. Providing open program slots are available, they will be invited to attend the next scheduled FSS Program Orientation.



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Orientations will be scheduled on an on-going basis and their frequency will be based on the number of residents interested in the program and current open slots within the program itself.

HAWC recruits for the FSS program regardless of race, color, religion, sex, age, national origin, familial status, disability or language. To facilitate equal access, HAWC has implemented a Limited English Proficiency plan to any persons requesting communication assistance.

HAWC also provides alternate means of communication (i.e. sign language interpretation, Braille, large letter formats, etc.) to persons who request alternate communication methods.

The HAWC office is accessible to persons with disabilities and makes their best effort to refer participants to other agencies that are accessible to persons with disabilities as well.

### **Screening based on motivation**

HAWC may screen potential FSS families for interest and motivation to participate in the FSS program based on the following criteria:

- Required attendance to FSS orientation sessions
- Submission of complete FSS application after orientation session
- Completion of needs assessments during FSS intake session

HAWC may provide a reasonable accommodation to modify the format and delivery of these activities if requested by the interested family.

### **Enrollment and Designating the FSS Head of Family**

All qualifying residents who attend an FSS Program Orientation will receive an FSS application and sample Individual Training and Services Plan (ITSP) and Contract of Participation (COP). Any member of the household age 18 or above may work with the FSS Coordinator to develop an ITSP. Only the designated FSS Head of Family may sign the COP and be eligible for FSS Escrow funds disbursement.

The FSS Head of Family may be the HAWC designated Head of Household (HOH), or any other adult member of the household the family designates as the FSS Head of Family. There can be multiple ITSP's included with the COP depending on the number of adults in the household who wish to participate, but only the FSS Head of Family may sign the COP and receive escrow disbursement.

If the FSS Head of Family designated by the family is not the HOH for rental assistance purposes, HAWC will seek written approval from the HOH to confirm family designation.

Once completed applications and support documentation are received, verification of good standing with HAWC will be done by the FSS applicant's Occupancy Specialist.

Next, an FSS intake appointment between the new FSS participant and their designated FSS Coordinator will be scheduled to conduct a needs assessment, establish goals, and create the ITSP and Contract of Participation (COP). The needs assessment will include:

- Identifying short-term immediate barriers and pressing needs
- Identifying other needs to determine long-term solutions

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- Evaluating the participants employability and career interests and a resume review
  - Assessing skills, interests, and values related to employment, education, and training
  - Evaluating past obstacles and current circumstances to determine viable goals and plans likely to lead to self-sufficiency
  - Identifying credit history, current family budget, and financial challenges and needs

The needs assessment will take place prior to the signing of the FSS Individual Training and Services Plan (ITSP) and Contract of Participation (COP) to ensure that the FSS Coordinator has all the information they need to help the FSS applicant establish viable goals.

### **Establishing and Modifying Goals**

In establishing goals with the FSS participant to be included in the ITSP, the FSS Coordinator will include final goals mandated by HUD, as well as interim goals established by the FSS applicant based on their family's needs.

Mandatory final goals include:

- Suitable employment of the FSS Head of Family by the last day of their FSS contract (COP).
- Household free of cash aid (TANF) by the end date of their FSS contract (COP).

The mandatory final goals from HUD may not be changed or added to by HAWC as a requirement of program graduation. Other interim goals may be established to benefit the participant but not as a requirement of graduation and disbursement of FSS Escrow funds earned by the FSS Head of Family.

For interim goals, in addition to any goals established by the FSS Head of Family and any other participating family members, HAWC recommends the following:

- 10 hours of documented financial management counseling through an approved financial institution or partnering agency

Interim family goals will be evaluated on a yearly basis. This will allow for goals that focus on the specific needs of the family and consider past progress towards goal achievement as well as current challenges and barriers. Modification to interim goals will be made using the FSS participant's ITSP and the revised COP will be incorporated into the participant's FSS file. Interim family goals will focus on one or more of these five main areas:

- Career readiness
- Small Business readiness
- Homeownership readiness
- Education
- Family wellness

### **Individual Training and Service Plans (ITSP)**

The ITSP is an attachment to the Contract of Participation (COP) and is the written plan that is prepared for each adult member (18 and older) who chooses to participate in the FSS program. The ITSP sets forth the activities to be completed by that family member, and the agreed upon completion dates for the activities. Goal revisions will also be included in the ITSP.

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## **Contract of Participation (COP)**

The purpose of the COP is to state the rights and responsibilities of the participating family and HAWC. This includes the participating family's compliance to all lease obligations with the owner and HAWC. Participating in the FSS program constitutes a formal contract between HAWC and the family. The participating family is required to meet all the conditions of the COP to graduate from the program and receive any escrow funds accrued.

The COP will indicate the baseline of amounts of the family's annual income, earned income, and family Total Tenant Payment (TTP). Baseline income information will come from the most recent income re-certification prior to the signing of the COP. The COP will also include the type of voucher utilized by the family as well as the start and end date of the contract. The COP end date will not be known until the first re-certification after the effective date. Once re-certification has occurred, the COP will be revised to include the COP end date, which will be five years from this re-certification effective date.

Each FSS Head of Family must complete and sign the COP to be enrolled in the FSS program and qualify for the services and escrow funding provision of the program. The initial COP term is five years from the date of the first income re-certification after the COP effective date. HAWC will use form HUD-52650 as the COP. The COP will become effective the first day of the month after the contract is signed.

### **Modifications to the COP or FSS Head of Family**

A participating FSS family can modify their COP and/or ITSP for the following reasons:

- Revision or modification of family goals
- Adding or removing family member ITSP to COP
- In cases of portability and extensions
- In cases where the designated FSS Head of Family changes

When a change of the FSS Head of Family takes place, COP must be revised to contain the name of the newly designated FSS Head of Family and signature representing both the new FSS Head of Family and HAWC. The participating household is not required to receive approval from HAWC regarding which member of the household becomes the designated FSS Head of Family, as long as the designated person meets FSS eligibility and enrollment requirements.

### **COP Extensions**

HAWC will allow an extension of the COP up to two years for the following reasons:

- Serious illness
- Involuntary loss of employment
- Allow the family to meet the free of cash aid requirement
- Allow family to meet other interim goals unmet as a result of circumstances beyond their control
- Other reasons for *good cause* as deemed appropriate by HAWC.

*Good Cause* means circumstances beyond the control of the FSS family that impeded the family's ability to complete the COP obligations as determined by HAWC. This includes active pursuit of current or additional goals that will result in furtherance of self-sufficiency during the period of extension (i.e. completion of training or skills building, credit repair for home ownership readiness, etc.) as determined by HAWC.



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Extensions to the COP may be requested in writing by the FSS participant. Changes in the dates of the COP will be reflected on a revised COP signed and dated by both the participating FSS Head of Family and HAWC.

### **Contract Completion**

The family's COP may be considered completed if:

- The family has fulfilled all their obligations under the contract on or before the expiration of the COP
- The family no longer qualifies for housing assistance because their increases in earned income place them over the set income limits

In the event of the first scenario, for the purposes of the HUD mandated requirement for seeking and sustaining *suitable employment*, this is defined as follows:

Determination of *suitable employment* shall be made by HAWC, with the agreement of the effected participant, based on the skills, education, and job training, and the receipt of other benefits of the household member, and based on the available job opportunities within the jurisdiction served by HAWC.

In the event of the second scenario, families will have the six-month zero-HAP period from the month their increased income is recalculated to continue to escrow and complete other family goals stipulated in the ITSP.

Completion of FSS program goals will be recorded on annual FSS goals review forms and final graduation request forms. Upon confirmation of graduation requirements, the designated FSS Head of Family will be issued any FSS Escrow Funds accrued by the family during their program participation, less any funds owed to HAWC. In such instances, HAWC will only collect funds owed upon graduation and approval of final escrow payment.

### **Documentation of Goal Completion**

The family will be asked to provide appropriate documentation of goal completion prior to the completion of their Contract of Participation. Documentation may include:

- Transcripts, course completion certificates, diplomas, or other verification showing completion of educational goals
- Paystubs or other employment verification
- Proof of completion of financial education classes, home ownership readiness classes, credit recovery classes or other classes identified on their ITSP
- Credit reports or banking statements demonstrating progress on asset building and credit recovery goals
- Other written documentation that supports the achievement

### **Termination of the COP**

FSS participants are required to comply with all the terms and conditions of the COP and the FSS rules and guidelines. The FSS COP is automatically terminated if the participating family's rental assistance is terminated. The COP may be terminated before the expiration of the contract term, and without the household meeting its goals under the COP by:

- Mutual consent of the parties

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- Failure of the household to meet its obligations under the COP
  - Failure of the household to complete paperwork, provide verifications, or otherwise provide information requested by HAWC for the purpose of determining continuing eligibility for participation in the FSS program
  - Household choosing to withdraw voluntarily from the FSS program
  - Termination of rental assistance
  - Any other act as deemed inconsistent with the purpose of this program by operation of law

Under usual circumstances, FSS Escrow funds earned by the household during their participation in the program are NOT disbursed to the FSS Head of Family when their COP is terminated. In these instances, the FSS Head of Family will receive written notice from HAWC of the termination of their FSS COP and be given 17 days from the date of the notice to request a review.

There are, however, a few circumstances where an FSS Head of Family is still eligible to receive an escrow disbursement in the event that their COP is terminated. These circumstances are:

- On occasion, one or more services that are included in the FSS family's plan are found to be unavailable. When this is the case, HAWC will assess whether this service is integral to the family's COP, whether another agency can provide the service, or whether a similar service would achieve the same purpose. If the service in question is not integral to the family's advancement, the COP and ITSP can be modified to delete these services and the family's obligation to complete them.

If the service is necessary but found to be unavailable through other avenues, HAWC shall terminate the family's COP and provide the FSS escrow disbursement.

- The FSS Head of Family becomes permanently disabled and unable to work during the period of the COP, unless HAWC and the family determine that it is possible to modify the COP and designate a new FSS Head of Family.
- An FSS family in good standing moves outside the jurisdiction of HAWC in accordance with Portability requirements for good cause, as determined by HAWC, and a continuation of the COP after the move or completion of the COP prior to the move is not possible. HAWC must be consistent about determination of whether a family has good cause to terminate the COP with escrow disbursement.

### **Termination Process**

If the PHA determines that the COP will be terminated the FSS Head of Family of the participating FSS family will be sent a notice that contains a brief statement of the reason for COP termination. The household will have seventeen (17) calendar days from the date of the letter to respond and request a review. If the FSS Head of Family does not request a review, their participation in the FSS program will be terminated.

### **Grievance Policy**

When adverse action is taken by HAWC against a household they may use the grievance procedures and policies for the FSS household's respective housing assistance program.

- Housing Choice Voucher FSS Families will be subject to the informal review and hearing procedures described in the Housing Choice Voucher Administrative Plan.

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- FSS Families living in public housing will be subject to the grievance procedures outlined in the Admissions and Continued Occupancy Policy (ACOP) and their public housing lease.

In addition to the adverse actions that may be taken against a household under the HCV and Public Housing Program FSS Specific “Adverse Actions” include the following:

- Denial of admission into the FSS program
- Denial of request for supportive services
- Denial of request to change the ITSP
- Denial of request to change the FSS Head of Family
- Denial of request for interim disbursement
- Denial of request for extension of the COP
- Denial of request for early graduation after completing the COP
- Denial of request for final disbursement of the escrow account
- Withholding of support services
- Termination of the FSS COP

### **Re-enrollment in the FSS program**

If a household ends their participation in the FSS program, including successful graduation from the program, opportunities to re-enroll in the program will be made available to them after a waiting period of twelve months after the COP termination date. Once this waiting period has elapsed, if the family still meets FSS eligibility requirements, the standard enrollment process, including waitlist selection would apply.

HAWC reserves the determination to waive the twelve-month waiting period if the participating family in good faith made their best effort to advance in the self-sufficiency goals and through no fault of their own were unable to do so. HAWC will be consistent in such determinations.

Also, families who graduated from the FSS program previously will need to demonstrate the need to return to the program and detail what additional advancements towards self-sufficiency can be accomplished through a second participation. Such re-enrollments will be at the sole discretion of HAWC, and HAWC will be consistent in determination of such re-enrollments. Examples of re-enrollment of former FSS graduates would include:

- Newly designated FSS Head of Family with new self-sufficiency goals
- Additional adult family members wanting an ITSP who were not eligible previously
- Newly established self-sufficiency goals which were not previously available
- Change in circumstances where barriers to goal achievement have been removed or reduced

If a household is terminated from the program for failure to comply with the terms and conditions of the COP, or failure to complete paperwork, provide verifications, or otherwise provide information requested by HAWC for the purpose of determining continuing eligibility for participation in the FSS program, the option to re-apply to the program will be offered only at the sole discretion of HAWC, and will only be considered if the household demonstrates the conditions which led to their previous termination of contract have been eliminated or have changed to provide a reasonable potential for goal achievement.

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## Family Responsibilities

### Program Participation

Since participation in the FSS program constitutes a formal contract between HAWC and the family, there are certain FSS program activities that are essential to the success of the household. Achieving self-sufficiency can be challenging, and often takes time, a team effort, and a high level of motivation from everyone involved. Some of these essential activities include:

- Engaging in all activities related to achieving established goals with your FSS Coordinator
- Regular communication with your FSS Coordinator
- Updating family goals with your FSS Coordinator each year
- Monitoring your credit reports and working within your family budget
- Completing your interim and final goals
- Providing all requested documentation, verifications, or additional information requested by HAWC for the purpose of determining continuing eligibility for participation in the FSS program

### FSS Head of Family Responsibilities

In addition, the FSS Head of Family must also:

- Seek and maintain *suitable employment* once any occupational skills trainings or educational goals to find employment included in the ITSP have been accomplished.
  - *Suitable employment* will be determined through the needs assessment, goal setting, and other preliminary activities at the onset of the participants COP, and will conform to the definition for *suitable employment* previously addressed in this plan.
- It is permissible for the FSS Family Head to attend school or engage in training prior to engaging in job search, provided that their plan provides adequate time to find employment prior to the expiration of their COP.
- There is no minimum employment period required for the participant to demonstrate completion of the suitable employment goal.

### Family Responsibilities

For interim family goals set forth in the ITSP by the FSS Head of Family and any family members age eighteen or older agreeing to participate in the FSS program, additional responsibilities include:

- Complete all activities within the dates listed on the ITSP
- Provide HAWC and HUD with information about the family's participation in order to help evaluate the effectiveness of the FSS program
- All family members must comply with the terms of their lease.
- No family member in the household may receive cash aid (TANF) at the end of their COP.
- If participating in the HCV program, the family must reside within the jurisdiction of HAWC for the first year of the COP
- The family must comply with all obligations of HAWC regarding their rental assistance



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*Welfare assistance* means (for purposes of the FSS program only) income assistance from Federal (i.e., Temporary Assistance for Needy Families (TANF) or subsequent program), State, or local welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs.

## **FSS Coordinator Responsibilities**

### **Role of the FSS Coordinator**

The FSS Coordinator's primary role is to provide intensive coaching services and resources to participating FSS families and help them navigate a path towards self-sufficiency.

While the FSS Coordinator's role includes adherence to all HUD rules and regulations regarding both rental assistance and the FSS program, their primary focus is to come alongside participating FSS families and guide them towards their established goals. To build a supportive rapport with FSS participants, this is accomplished through a wide variety of assistance, resources, and partnerships.

The FSS Coordinator will stay current in local industry trends, economic indicators, and local employer expectations and needs to better provide participants with an accurate view of the employment landscape. Key elements of these building supportive relationships include:

- Building trust with the participant
- Recognizing the needs and feelings of the participant
- Demonstrating acceptance, respect, and genuineness
- Giving hope and encouragement
- Utilizing Trauma Informed Care principles

Some of the basic elements of the FSS Coordinator's role include but are not limited to:

- Market the FSS program and provide outreach and recruitment of potential FSS participants
- Complete a needs assessment with each participant prior to enrollment
- Assist the participant in the development and routine evaluation of their ITSP
- Complete a COP for each FSS Head of Family enrolling in the FSS program
- Proactively collaborate with other agencies actively involved with the participant to ensure continuity of service and provide a wholistic approach
- Obtain a Release of Information (ROI) from the participant when appropriate to ensure wrap-around services and unified collaboration
- Help the participant connect to needed supportive services (childcare, transportation assistance, utility assistance, professional clothing, training related supplies, Occupational Skills Training scholarships, etc.)
- Explore options for continued education or Occupational Skills Training to increase their employability and skill level
- Where applicable, guide the participant towards obtaining a valuable credential in a high-demand career field
- Assist the participant in career exploration and job search activities that lead to suitable employment and retention
- Track and manage the release of escrow account funds available to participants
- Assist participants with applications to Individual Development Accounts (IDA) when they are available through partnering agencies
- Oversee, monitor, and work with the Program Coordinating Committee (PCC)

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## **Needs Assessment (Method of Identifying Family Needs)**

The needs assessment is a crucial element of enrolling a participant into the FSS program and accurately identifying their unique self-sufficiency needs and circumstances. Each participant's needs are different, and each family's unique strengths, skills, dreams, and life experiences work together to create their professional identity.

Families that engage in the FSS program are as unique on the inside as they are on the outside, and understanding their professional identity is vital to developing a successful plan to guide them towards self-sufficiency. Lasting financial independence does not come from aiming participants toward the first job opening that pays well, but from helping each participant find their unique talents and strengths and facilitating their exploration into careers that align with their values and identity.

The most effective approach to the needs assessment is to incorporate formal and informal assessments designed to reveal an individual's strengths, personality, career interests, and life passions, as well as both talking with the participant and listening to them about their challenges, barriers, and current circumstances. Equipped with this information, the FSS Coordinator then has the information they need to develop a strong, personalized plan to help the family move towards self-sufficiency.

The needs assessment will include evaluating the following family needs:

- Childcare needs
- Career exploration, Occupational Skills Training, and job placement
- Parenting skills and household management
- Mental health, counseling, addiction, and other family wellness needs
- Legal issues
- Money management
- Continuing education
- Homeownership education
- Transportation
- Health issues and limitations

## **Collaboration with other agencies**

Knowledge of community resources available is fundamental in this role. Networking with community-based organizations, employment centers like WorkSource Portland Metro, local training providers, mental health agencies, food banks, clothes banks, faith-based organizations, and other local organizations committed to community health and safety is vital in being able to connect FSS participants with the tools and resources they need to be successful in achieving their goals.

In this regard, the FSS Coordinator will engage in activities including but not limited to:

- Research appropriate public and social service agencies and other types of organizations listed above to determine the most appropriate types of services and supports available to participants
- Create and maintain a list of available resources and agency contact information
- Develop and maintain strong partnerships with collaborating agencies and encourage their engagement on the PCC

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## **FSS Activities and Supportive Services**

*Supportive Services* are typically provided through collaboration with community partners. Referrals for these services and resources are made through the FSS Coordinator. The FSS Coordinator will serve as a referring agency for organizations such as Community Action, Community Warehouse, and Dress for Success.

The FSS participants will be responsible for meeting with any agencies through this referral process to receive the needed service. Community partners collaborating with the FSS program and HAWC may change over time as programs come and go. A current list of collaborating agencies will be maintained by the FSS Coordinator so that current resources are readily available to participants.

## **Use of Forfeited Escrow Funds by Families in Good Standing**

*Supportive services* may also be available directly through the FSS program. Supportive service funds may be available from FSS Escrow Fund forfeitures per 24 CFR 984.305. Such funding will be placed into a designated account and used to benefit FSS families in good standing. *Supportive services* are defined as follows:

- Education; including but not limited to education for completion of high school or attainment of a high school equivalency certificate; education in pursuit of a post-secondary degree or certificate
- Employment supports. Job training, preparation, and counseling; job development and placement; and follow-up assistance after job placement and completion of the COP
- Personal welfare. Substance/alcohol abuse treatment and counseling, and health, dental, mental health and health insurance services
- Household management. Training in household management
- Homeownership and housing counseling. Homeownership education and assistance and housing counseling
- Financial empowerment. Training in financial literacy, such as financial coaching, training in financial management, asset building, and money management, including engaging in mainstream banking, reviewing and improving credit scores, etc.
- Other services. Any other services and resources, including case management, optional services, and specialized services for individuals with disabilities, that are determined to be appropriate in assisting FSS families to achieve economic independence and self-sufficiency

Reasonable accommodations and modifications must be made for individuals with disabilities consistent with applicable Federal civil rights and nondiscrimination laws.

Participating FSS families shall be briefed on availability and utilization of supportive services during their FSS orientation and during their needs assessment. Any participating family member with an ITSP included in the COP may request supportive services. Requests for supportive services will be initiated by the participating FSS family by submitting a Supportive Service Request form to their FSS Coordinator.

Supportive Service Requests will include the following:

- Name of family member requesting services
- Reason for needed service
- Cost of needed service
- Type of service needed and payee
- ITSP goal advanced by the provision of service
- Support documentation verifying payee, cost, and type of service

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- Any previous support amounts approved
  - Signature of FSS Head of Family, FSS Coordinator, and designated supervisory signature

HAWC determination of approval for supportive service requests shall be made based on:

- Date of request
- Verification of good standing of the participating family
- Verification of relevance of requested service to goals in ITSP
- Verification of correct support documentation
- Evaluation of previous supports funding requests
- Availability of designated funds set aside from FSS Escrow Forfeitures

Records of Supportive Service Requests shall become a part of the participating FSS Head of Family file. Availability of funding from designated account shall be reviewed annually.

### **Continued Education and Occupational Skills Training**

In many cases, an FSS participant's path to self-sufficiency will include learning new skills, particularly in high-demand fields aligned with their career interests and could include attainment of a valuable industry-recognized credential relevant in their chosen career field. The FSS Coordinator will help each participant navigate the process of obtaining these new skills and knowledge to increase their employability. Key concepts of an educational plan should include:

- Aligning educational plans with career assessment results
- Incorporating previous employment experience and transferable skills
- Focusing on high-demand fields experiencing growth
- Focusing on occupations that pay a family-sustaining wage
- Evaluation of needed credentials for their chosen field
- Evaluating local training providers for program details
- Any needed prerequisites for the training
- Exploring funding options for training (financial aid, grants, scholarships, etc.)
- Timeline of educational plan related to FSS program timelines
- Requirements for credentials and/or licensure
- Current employer qualifications related to target credential
- Potential internships, volunteer opportunities, etc. in new career field
- Participant resources to engage in training (childcare, transportation, time, etc.)

Some trainings can be very expensive and take a great deal of time and effort to achieve. The FSS Coordinator will encourage the participant to weight their options carefully and draw a straight path between their current situation and their desired training goal. The FSS Coordinator and participant will avoid training plans that will create significant debt without a compensation package likely to lead to self-sufficiency. The FSS Coordinator will also encourage the participant to speak with academic advisors or with people already working in their desired field, and to conduct thorough research in their desired career field so their expectations are accurate and realistic.



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## Career Exploration and Job Search

Suitable employment is the most important aspect of self-sufficiency. Helping the participating family increase their earned income through a satisfying career is the most effective way to promote self-sufficiency. Solid career exploration is important to connect the participant with employment they are qualified for and will enjoy doing.

Job search can be daunting and frustrating. The FSS Coordinator will help participants navigate this process with a positive and hopeful attitude. Some important elements of this process include:

- Creating a professional resume and cover letter
- Career mapping
- Developing good interview skills
- Developing professional skills and soft skills
- Utilizing the WorkSource center and navigating State operated job search websites
- Researching career fields
- Connecting with community partners for employment opportunities

## FSS Escrow Account

### Requirements for the Escrow Account

Each FSS Head of Family enrolled in the FSS program is eligible to receive a HUD-funded escrow account upon completion of their COP. The amount of escrow funds credited is based on increases in earned income that the FSS participant experiences between their FSS enrollment and the completion of their contract.

Increases in earned income typically come from increases in wages from employment. The full amount of the escrow account is made available to the FSS participant upon their FSS graduation, minus any funds owed to HAWC. Funds collected by HAWC due to funds owed by the participating family may only be collected upon final escrow disbursement to the FSS Family Head. Once distributed, the participant may use these funds in whatever way they choose.

The escrow account does not belong to the participating family until they complete their COP. Once the FSS participant is enrolled, a baseline of their earned income is established based on the most recent income re-certification prior to enrolment. During their COP, any increases in their earned income will be calculated, and a portion of these increases will be credited to the escrow account established in the name of the FSS Head of Family based on HUD requirements per 24 CFR 984.305(b)(2).

These credits will take place each month the household pays their Total Tenant Payment (TTP) of the rent. No escrow funds will be credited in a given month if the household fails to pay their TTP that month. Also, no escrow will be credited during a move when the family is not paying rent. HAWC will invest the FSS escrow account funds into HUD approved interest-bearing investments. Interest from these investments will be credited to the escrow account at least annually.

The FSS Head of Family receiving an FSS Escrow Disbursement upon graduation will be liable for income taxes on any interest earned on the escrow funds but not the escrow funds themselves.

The escrow account can help participants achieve and maintain self-sufficiency in many ways, including but not limited to:

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- A down payment on a home
  - Continuing education
  - Starting a small business
  - Building savings for the future
  - Establishing a college fund for family members
  - Reducing debt and improving credit
  - Purchase of a vehicle

Families with household income at 80% AMI or above will no longer receive monthly FSS escrow credit.

### **Interim Disbursements**

HAWC may permit withdrawals of funds from an FSS escrow account prior to completion of the COP if the household has completed specific interim goals listed on their ITSP and needs some of the funds to complete other goals listed in the contract. Any interim Disbursement request will be made in writing by the FSS participant and reviewed by HAWC. Disbursement requests will be approved or denied based on the need and stated goals to be completed with the funding. Examples of appropriate disbursements are:

- School related costs such as tuition, books, supplies, etc., when one of the goals of the ITSP is education or training
- Auto repairs when the household had employment goals, does not have easy access to public transportation, when a personal vehicle supports a need related to a disability, and such repairs are necessary to continued engagement in the FSS program
- Passes for public transportation to attend school or work
- Employment related equipment or accessories such as uniforms or tools required to maintain employment
- Small business-related costs such as license fees, office equipment, security deposits for business lease, when the household has a small business goal on their ITSP
- Earnest money towards the purchase of a home when the household has a goal of homeownership readiness on their ITSP
- Other fees associated with completing mandated HUD goals such as homeownership counseling

Interim disbursements may not be made for items not directly related to interim or final goals stated on the household's ITSP. HAWC may consider alternate sources of funding for the family's financial need prior to withdrawing funds which may be needed in the future.

If the family does not complete their COP, they are not required to repay the interim disbursement unless the cause of their FSS program exit was fraud.

### **Forfeiture of escrow funds**

If a participating family in the FSS program fails to meet the family obligations of the rental assistance program they are on, their FSS Contract may be terminated. In such cases, any escrow funds credited will be forfeited and will not be distributed to the FSS Head of Family. Escrow forfeiture will also occur under the following conditions:

- The family's COP is terminated

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- The family's COP is determined to be null and void
  - The family has failed to achieve the goals stipulated in the ITSP within the contract timelines

In addition to establishing a designated account for forfeit escrow funds in the use of Supportive Services, forfeit escrow funds may also be used for the following purposes:

- Training for FSS Program Coordinators
- Such funds may not be used for salary and fringe benefits of FSS Program Coordinators; general administrative costs for the FSS program; for HAP expenses or Public Housing operating funds, or any other activity determined ineligible by the Secretary

### **Final Disbursement of Escrow Funds**

Upon graduation from the FSS program when the family has achieved the goals stipulated in the ITSP, HAWC will disburse to the FSS Head of Family the amount in the designated escrow account, less any amount owed to HAWC. FSS graduation occurs when one of two conditions are met:

- The family has fulfilled all their obligations under the contract on or before the expiration of the contract; or
- When the family no longer qualifies for housing assistance because their increases in earned income place them over the set income limits

HAWC may choose to verify that the family is not receiving any cash aid (TANF) on the effective end date of the COP before approving escrow disbursement. If the FSS Family Head leaves the assisted unit, the remaining family members may designate another family member to receive the escrow funds.

### **Escrow Reporting to Families**

HAWC will provide the family with a report on the amount of the family's designated FSS escrow account at least once per year. Reports will be sent out to each family having funds credited into their escrow account. These reports will include the following information:

- Balance at the beginning of the reporting period
- Amount credited during the period
- Any deductions made from the account for amounts due to HAWC before interest was distributed
- Amount of interest earned on the account
- Total amount in the account at the end of the reporting period

### **Record Keeping**

Statistical information regarding all FSS program participants is maintained by HAWC in a secure electronic database. Information maintained about the program participants includes data collected on form HUD-50058 reports of family composition and income. This includes but is not limited to:

- Race and ethnicity
- Familial status and household size
- Disability status

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- Annual income
  - Verification of enrollments, graduations, and terminations
  - Referrals to partnering agencies
  - Verification of goal completion

## **Measurements of Success**

HUD will measure the success of the FSS program by several standards, including but not limited to:

- Number of households obtaining employment for the first time
- Number of households obtaining higher paying employment
- Number of households increasing their education level
- Number of households moving off of public assistance
- Number of households acquiring new self-sufficiency skills

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