



HCV Admin Plan Revisions

Effective December 1, 2023

Summary

The U.S. Department of Housing and Urban Development (HUD) requires the Public Housing Authority (PHA) to revise and update the Housing Choice Voucher Program Administrative Plan whenever necessary to incorporate changes in federal law, HUD regulations, or legal operating procedures. This revised Administrative Plan incorporates updates that continue to increase the Authority’s efficiencies, as well as administrative streamlining. Additionally, it reflects clarifications of regulations from HUD and updated regulatory language to match recent updates to the Code of Federal Regulations.

This updated Housing Choice Voucher Program Administrative Plan includes the following changes: The Housing Authority of Washington County (HAWC) added policy changes in connection to the Moving to Work (MTW) activities pending waiver approval and additional clarification and policy updates across the entire plan. Full list of changes is attached with the reference to the current policy, updated language is noted in the proposed language section.

Moving to Work (MTW) language has been added to the proposed changes to indicate where the MTW Appendix will be reference or the policies will be adapted upon effective date of the Administrative Plan. Some of the MTW activities will be implemented over time, and then will be added to the full Administrative Plan during future revisions.

The following changes are identified by the Chapter and section for each change.

Introduction

1	Section:	Proposed Change:	MTW <input type="checkbox"/>
Proposed Policy Language:	Resources Cited in the Model Administrative Plan	Adding Language around HUD HCV Guide Book	
Current Policy Language:	<p>HUD HCV Guidebook</p> <p>In November 2019 HUD began issuing a new version of the HCV Guidebook chapter-by-chapter. Unlike the previous version of the HCV Guidebook in which chapters were numbered, the new version of the guidebook includes chapter names, but no numbers. As the new version of the guidebook has not yet been fully released, and since the previous version of the guidebook contains guidance not found in the new version, the policy cites both versions of the guidebook. Therefore, where the HCV Guidebook is cited in the policy, the citation will make a distinction between the “old” and “new” versions of the guidebook. The “old” version of the guidebook will continue to be cited as <i>HCV GB</i> with a chapter/page reference (example: HCV GB, p. 5-4). If HUD has also released a new chapter on the same topic with information that either adds new information or updates existing information from the previous guidebook, the new guidebook will be cited as <i>New HCV GB</i> with a chapter title and page reference (example: New HCV GB, <i>Payment Standards</i>, p. 11). On September 29, 2023, HUD issued Notice PIH 2023-27 to implement sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA). The notice supersedes relevant portions of the guidebook, specifically the chapters on eligibility, denials, and annual reexaminations and interim reexaminations. Where chapters have not been altered by the HOTMA implementation notice, the model policy continues to cite the HCV Guidebook.</p>		

Overview of the Program and Plan Chapter 1

2	Section: PHA Programs	Proposed Change: <i>Update to add all HUD programs under the PHA Admin Plan</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	The PHA’s administrative plan is applicable to the operation of the Housing Choice Voucher program, including Project-Based Vouchers, Mainstream Vouchers, Emergency Housing Vouchers (EHV), Foster Youth to Independence (FYI), and Veteran Affairs Supportive Housing (VASH).		
Current Policy Language:	The PHA’s administrative plan is applicable to the operation of the Housing Choice Voucher program, including Project-Based Vouchers.		

Overview of the Program and Plan Chapter 1

3	Section: HCV Overview and History of Program	Proposed Change: <i>Update to add HOTMA History</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	On July 29, 2016, the Housing Opportunity Through Modernization Act of 2016 (HOTMA) was signed into law. HOTMA made numerous changes to statutes governing HUD programs, including sections of the United States Housing Act of 1937. Title I of HOTMA contains 14 different sections that impact the public housing and Section 8 programs. The Final Rule implementing broad changes to income and asset in Sections 102 and 104 of HOTMA, and for PHAs that administer the public housing program over-income provisions in Section 103, was officially published in the <i>Federal Register</i> on February 14, 2023. On September 29, 2023, HUD issued notice PIH 2023-27, which provided guidance to PHAs on the implementation of the program changes described in the Final Rule.		
Current Policy Language:	n/a		

Eligibility Chapter 3

4	Section: Eligibility	Proposed Change: <i>Update applicant eligibility requirements from HUD</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	<p>The applicant family must:</p> <ul style="list-style-type: none"> - Qualify as a family as defined by HUD and the PHA. - Have income at or below HUD-specified income limits. - Qualify on the basis of citizenship or the eligible immigrant status of family members. - Provide social security number information for household members as required. - Consent to the PHA’s collection and use of family information as provided for in PHA-provided consent forms. - <i>Not currently be receiving a duplicative subsidy.</i> - <i>Meet net asset and property ownership restriction requirements.</i> 		
Current Policy Language:	<p>The applicant family must:</p> <ul style="list-style-type: none"> - Qualify as a family as defined by HUD and the PHA. - Have income at or below HUD-specified income limits. - Qualify on the basis of citizenship or the eligible immigrant status of family members. - Provide social security number information for household members as required. - Consent to the PHA’s collection and use of family information as provided for in PHA-provided consent forms. 		

5	Section: <i>Eligibility</i>	Proposed Change: <i>Update definition of family. Definitions of Family and Household Members - Overview</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	To be eligible for assistance, an applicant must qualify as a family. Family as defined by HUD includes, but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, <i>displaced person, disabled person, near-elderly person, or any other single person; an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or a group of persons residing together. Such group includes but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, and the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.</i>		
Current Policy Language:	To be eligible for assistance, an applicant must qualify as a family. Family as defined by HUD includes, but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, or a group of persons residing together. Such group includes but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, and the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.		
4	Section: <i>Eligibility</i>	Proposed Change: <i>Update clarification around family members that have exited the program. Definitions of Family and Household Members - Overview</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	Each family must identify the individuals to be included in the family at the time of application and must notify the PHA if the family's composition changes. <i>If family member(s) have been removed from the subsidy program, they must request to be added back to the household by the head of household before they are eligible to receive benefits of the subsidy.</i>		
Current Policy Language:	Each family must identify the individuals to be included in the family at the time of application and must notify the PHA if the family's composition changes.		
5	Section: <i>Eligibility</i>	Proposed Change: <i>Dependent and Minor</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	A minor is a member of the family, other than the head of family or spouse, who is under 18 years of age.		
Current Policy Language:	n/a		
6	Section: <i>Eligibility</i>	Proposed Change: <i>Updating language for minors that have exited the program as part of the household.</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	If minors have been removed from the household as part of custody, they must formally be requested to be added back to the household upon any changes.		
Current Policy Language:	n/a		

7	Section: <i>Eligibility</i>	Proposed Change: Addition Clarification around minors visiting a participating household.	MTW <input type="checkbox"/>
Proposed Policy Language:	Visitation privileges are different that permanent household members, where income is included and voucher size increases.		
Current Policy Language:	Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for less than 180 days per year without being considered a member of the household. Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the assisted household more than 50 percent of the time, are not subject to the time limitations of guests as described above.		
8	Section: <i>Eligibility</i>	Proposed Change: <i>Added HUD definition of Foster Adult and Foster Child..</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	[24 CFR 5.603] A foster adult is a member of the household who is 18 years of age or older and meets the definition of a foster adult under state law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition, and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction. A foster child is a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.		
Current Policy Language:	Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.069] The term foster child is not specifically defined by the regulations.		
9	Section: <i>Eligibility</i>	Proposed Change: <i>Return of Permanently Absent Family Members, addition of Minor members.</i>	MTW <input type="checkbox"/>
Proposed Policy Language:	<i>The family must request PHA approval for the return of any adult <u>or minor</u> family members that the PHA previously determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.</i>		
Current Policy Language:	The family must request PHA approval for the return of any adult family members that the PHA previously determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.		
10	Section: <i>Eligibility</i>	Proposed Change: Family consent to release of information, adding HUD's effective timeline.	MTW <input type="checkbox"/>
Proposed Policy Language:	<i>The consent form remains effective until the family is denied assistance, assistance is terminated, or the family provides written notification to revoke consent.</i> <i>However, this does not apply if the applicant or participant, or any member of their family, revokes their consent with respect to the ability of the PHA to access financial records from financial institutions, unless the PHA establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission [24 CFR 5.232(c)]</i>		

PHA Policy
The PHA has established a policy that the family's revocation of consent to allow the PHA to access records from financial institutions will result in denial of admission.

Current Policy Language:

PHA Policy
 Applicants who wish to have case-managers, advocates or other intermediaries act on their behalf must sign a release of information authorizing the PHA to discuss their application information with the intermediary.

11

Section:
 Eligibility

Proposed Change:

EIV Systems Searches requirements, HUD and PHA policy add.

MTW

Proposed Policy Language:

3-II.F. EIV SYSTEM SEARCHES [EIV FAQs; EIV System Training 9/30/20; and Notice PIH 2023-27]
 Existing Tenant Search

Prior to admission to the program, the PHA must search for all household members using the EIV Existing Tenant Search module. The PHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. The PHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.

If the tenant is a new admission to the PHA, and a match is identified at a multifamily property, the PHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

PHA Policy

The PHA will contact the other PHA or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. The PHA will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

Debts Owed to PHAs and Terminations

All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. Prior to admission to the program, the PHA must search for each adult family member in the Debts Owed to PHAs and Terminations module.

If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.

PHA Policy

The PHA will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.

The PHA will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, the PHA will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

Income and Income Validation Tool (IVT) Reports

For each new admission, the PHA is required to review the EIV Income and IVT Reports to confirm and validate family reported income within 120 days of the IMS/PIC submission date of the new admission. The PHA must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within 60 days of the EIV Income or IVT report dates.

Current Policy Language: n/a

12

Section:
Eligibility

Proposed Change:

Denial of Assistance – HUD final rule on disparate impact and discriminatory effects.

MTW

Proposed Policy Language:

HUD codified this stance on disparate impact and discriminatory effects in a final rule dated March 31, 2023. In doing so, HUD also standardized its long-practiced three-step approach to assessing burdens of proof.

Current Policy Language: n/a

13

SECTION:
ELIGIBILITY

PROPOSED CHANGE:

DENIAL OF ASSISTANCE ADDING TWO ADDITIONAL CAUSE FOR DENIAL.

MTW

PROPOSED POLICY LANGUAGE:

- Any member of the family fails to sign and submit consent forms for obtaining information.
- The family does not meet the restrictions on net assets and real property ownership as required by 24 CFR 5.618.

CURRENT POLICY LANGUAGE:

Briefings and Voucher Issuance Chapter 5**14**

Section:
Applications...

PROPOSED CHANGE:

NOTIFICATION AND ATTENDANCE REQUIREMENT FOR TIERED RENT ENROLLMENT.

MTW

Proposed Policy Language:

Applicants selected from May 2023-April 2024 will be subjected to the Tiered Rent eligibility screening and consent process as part of the MTW waiver enrollment requirements.

Current Policy Language: n/a

Income and Subsidy Determinations Chapter 6**15**

Section:
Earned Income Disallowance

Proposed Change:

Adding language reflecting MTW activity to sunset EID program.

MTW

Proposed Policy Language:

PHA Policy
MTW waiver has stopped all enrollment of the EID program effective August 1, 2022. All enrolled prior to August 1, 2022, will close out the initial and phase in exclusions. No households will be on EID programs after July 2024.

Current Policy Language: n/a

16	Section: Earned Income Disallowance	Proposed Change: Adding language reflecting MTW activity to sunset EID program.	MTW ☑																								
Proposed Policy Language:	As of August 1, 2022, no new households will be added to the Earned Income Disallowance (EID Program).																										
Current Policy Language:	The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.																										
17	Section: Medical Expense Deduction	Proposed Change: MTW policy around simplified Medical Expense deduction and calculation.	MTW ☑																								
Proposed Policy Language:	<p>MTW Waiver</p> <p>Simplification of medical expenses declared, removing the threshold of 3% and rounding down to the nearest \$1000.</p> <p>Medical /disability expense information can only be submitted once every 12 months. Interim reviews will not recalculate medical expenses. Households will submit medical expense information via a form. For expenses totaling less than \$5,000, HAWC will use tenant self-certification. Receipts will be required for expenses totaling \$5,000 or more.</p> <p>HAWC will use a simplified table (below) to calculate allowances related to a household’s medical or disability expenses. We will no longer use a varying medical or disability expense threshold for households. The full amount of the household’s expense and round down to the nearest \$1,000 to calculate their deduction. Only medical or disability expenses totaling \$1,500 or more per year are eligible.</p> <table border="1" data-bbox="358 1010 1300 1255"> <thead> <tr> <th>Medical / Disability expense</th> <th>Deduction</th> <th>Medical / Disability expense</th> <th>Deduction</th> </tr> </thead> <tbody> <tr> <td>\$0 - \$1,500</td> <td>\$0</td> <td>\$5,000 - \$5,999</td> <td>\$5,000</td> </tr> <tr> <td>\$1,500 - \$1,999</td> <td>\$1,000</td> <td>\$6,000 - \$6,999</td> <td>\$6,000</td> </tr> <tr> <td>\$2,000 - \$2,999</td> <td>\$2,000</td> <td>\$7,000 - \$7,999</td> <td>\$7,000</td> </tr> <tr> <td>\$3,000 - \$3,999</td> <td>\$3,000</td> <td>\$8,000 - \$8,999</td> <td>\$8,000</td> </tr> <tr> <td>\$4,000 - \$4,999</td> <td>\$4,000</td> <td>\$9,000 - \$9,999</td> <td>\$9,000</td> </tr> </tbody> </table>			Medical / Disability expense	Deduction	Medical / Disability expense	Deduction	\$0 - \$1,500	\$0	\$5,000 - \$5,999	\$5,000	\$1,500 - \$1,999	\$1,000	\$6,000 - \$6,999	\$6,000	\$2,000 - \$2,999	\$2,000	\$7,000 - \$7,999	\$7,000	\$3,000 - \$3,999	\$3,000	\$8,000 - \$8,999	\$8,000	\$4,000 - \$4,999	\$4,000	\$9,000 - \$9,999	\$9,000
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Current Policy Language:	Utilizing HUD’s 3% threshold for medical expenses and no self-declaration.																										
18	Section: Applying Payment Standards	Proposed Change: Updating language for MTW activity to streamline payment standards	MTW ☑																								
Proposed Policy Language:	<p>MTW Waiver</p> <p>The PHA has adopted a local policy in establishing payment standards based on Fair Market Rents. In FY2023-24, HAWC will create and apply two different voucher payment standards:</p> <p>Market Rate Voucher Payment Standard will generally apply to units in the private rental market. These payment standards will be set between 100% and 110% of area Fair Market Rents.</p> <p>Affordable Housing Voucher Payment Standards will generally apply to units with a nonprofit, tax credit status, designated affordable housing properties. These payment standards will be set between 90% and 100% of area Fair Market Rents.</p>																										
Current Policy Language:	<p>Changes in Payment Standards</p> <p>When the PHA revises its payment standards during the term of the HAP contract for a family’s unit, it will apply the new payment standards in accordance with HUD regulations.</p>																										

19	Section: Applying Payment Standards	Proposed Change: Adding to current policy, clarification of effective date of new payment standards.	MTW <input type="checkbox"/>
Proposed Policy Language:	<u>PHA Policy</u> Updates in payment standards will be effective at new admissions, unit changes, port move ins, recertifications and rent increases.		
Current Policy Language:	Increases If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard. Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7- 8].		
20	Section: Applying Utility Allowances	Proposed Change: MTW simplification of Utility Allowance chart.	MTW <input checked="" type="checkbox"/>
Proposed Policy Language:	<u>MTW WAIVER</u> An alternate utility allowance schedule has been waived and adopted to streamline the utility allowance calculation. The simplified utility allowance considers location, bedrooms size and if the household is responsible for: [1] Tenant pays water/sewer or all utilities. [2] Tenant pays Heat & Electric / landlord pays water and sewer. [3] Tenant pays no utilities / landlord pays all utilities.		
Current Policy Language:	Utility Allowances utilize a chart with over 180 possible inputs when calculating the amount.		
21	Section: Utility Allowance Revisions	Proposed Change: Clarification on the effective date for changes in the Utility Allowance schedule.	MTW <input type="checkbox"/>
Proposed Policy Language:	<u>PHA Policy</u> Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination or annual update that is effective after the allowance is adopted, contract rent increase, or at unit change.		
Current Policy Language:	<u>PHA Policy</u> Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination that is effective after the allowance is adopted, or at unit change.		

Verification Chapter 7

22	Section: Verification requirements and acceptable documents	Proposed Change: Allowing for photocopies and award letters dated within the year of the effective date.	MTW <input type="checkbox"/>
Proposed Policy Language:	<u>PHA Policy</u> Any documents used for verification may be photo copies, but the PHA may request originals if warranted and generally must be dated within 60 days of the PHA request. Exception to within 60 days may be award letters for Social Security Income, SSI, or VA benefits that are updated annually. The documents must not be damaged, altered or in any way illegible. Print-outs from Web pages and scanned documents received via email or fax are considered original documents.		
Current Policy Language:	<u>PHA Policy</u> Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of the PHA request. The documents must not be damaged, altered or in any way illegible.		

Print-outs from Web pages and scanned documents received via email or fax are considered original documents.

23	Section: Verification- File documentation	Proposed Change: Documentation of medical expenses over \$5k or the self-declaration form	MTW <input checked="" type="checkbox"/>
Proposed Policy Language:	<p><u>PHA Policy</u> The PHA will document, in the family file, the following:</p> <ul style="list-style-type: none"> • Reported family annual income • Value of assets over \$100,000 • Expenses related to deductions from annual income • Medical expenses over \$5000 annually and/or the declaration form • Other factors influencing adjusted income 		
Current Policy Language:	<p><u>PHA Policy</u> The PHA will document, in the family file, the following:</p> <ul style="list-style-type: none"> • Reported family annual income • Value of assets over \$100,000 • Expenses related to deductions from annual income • Other factors influencing adjusted income 		
24	Section: Verifications – third party	Proposed Change: Fixed income award letters dated within the year of the effective date.	MTW <input type="checkbox"/>
Proposed Policy Language:	<p><u>PHA Policy</u> <i>Third-party documents provided by the family must be dated within 60 days of the PHA request date. Exception to within 60 days may be award letters for Social Security Income, SSI, or VA benefits that are updated annually.</i></p>		
Current Policy Language:	<p><u>PHA Policy</u> Third-party documents provided by the family must be dated within 60 days of the PHA request date.</p>		
25	Section: Verification – Absent Adult Member	Proposed Change: Clarification on policy for rent portion change with adult household member leaves unit and PHA was not notified.	MTW <input type="checkbox"/>
Proposed Policy Language:	<p><i>Absence of Adult Member</i> <u>PHA Policy</u> <i>If an adult member who was formerly a member of the household is reported to be permanently absent, the family may provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill, or documentation of the individual being removed from the lease or rental agreement of the assisted household). Failure to report a member of the household has left within the reporting requirements may result in the family member remaining on the household composition and the rent portion obligation staying with the family.</i></p>		
Current Policy Language:	<p>Absence of Adult Member <u>PHA Policy</u> If an adult member who was formerly a member of the household is reported to be permanently absent, the family may provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill, or documentation of the individual being removed from the lease or rental agreement of the assisted household).</p>		

Housing Quality Standards Inspections Chapter 8

26	Section: Inspections – Clarification of HUD requirements	Proposed Change: Requirement of drain pan for water heaters.	MTW <input type="checkbox"/>
Proposed Policy Language:	<i>Water heaters are required to have a discharge line from the temperature/pressure relief valve that is aimed toward the floor (no less than 18 inches from the floor), or plumbed into the unit's drainage system. The discharge line must be of a material made to handle water at temperatures exceeding 120 degrees Fahrenheit. If the discharge line is not made of metal pipe, the material must be clearly labeled indicating its temperature rating. For units not on the first floor, a drain pan is required under the water heater.</i>		
Current Policy Language:	Water heaters are required to have a discharge line from the temperature/pressure relief valve that is aimed toward the floor (no less than 18 inches from the floor), or plumbed into the unit's drainage system. The discharge line must be of a material made to handle water at temperatures exceeding 120 degrees Fahrenheit. If the discharge line is not made of metal pipe, the material must be clearly labeled indicating its temperature rating.		

Reexaminations Chapter 11

27	Section: Scheduling reexaminations	Proposed Change: Requirement for briefing and random assignment for eligible households to participate in the Tiered Rent Study.	MTW <input checked="" type="checkbox"/>
Proposed Policy Language:	<u>MTW Waiver</u> During the initial and phase in of the Tiered Rent study, households that are screened as potentially eligible will attend a briefing and consent review. Household are randomly selected to be on the Tiered Rent study and will have a reexamination every three years after enrollment.		
Current Policy Language:	Addition to the annual process completed by mail for all participating households.		
28	Section: Reexamination	Proposed Change: Updating language to <i>recertification</i> only. Removing annual, as some households will have an update or a triennial review	MTW <input type="checkbox"/>
Proposed Policy Language:	<i>All sections that indicate annual reexamination – now only recertification.</i>		
Current Policy Language:			
29	Section: Processing Interim Reexaminations	Proposed Change: Method of information received by PHA can include email or other written formats, but the PHA may need a form completed.	MTW <input type="checkbox"/>
Proposed Policy Language:	<u>PHA Policy</u> The family must report changed in writing, using the form prescribed by the PHA. The PHA may accept other written reports, like an email. However, the form may be required if specific information or signatures are warranted for the change.		
Current Policy Language:	<u>PHA Policy</u> The family must report changed in writing, using the form prescribed by the PHA.		

30	Section: Recalculating Family Share and Subsidy Amount	Proposed Change: Clarification around payment standard change and applicable update to the household.	MTW <input type="checkbox"/>
Proposed Policy Language:	- If the payment standard amount has increased, the increased payment standard will be applied at the first recertification, contract rent increase, or unit change following the effective date of the increase in the payment standard.		
Current Policy Language:	- If the payment standard amount has increased, the increased payment standard will be applied at the first annual reexamination following the effective date of the increase in the payment standard.		
31	Section: Recalculating Family Share and Subsidy Amount	Proposed Change: Clarification around utility allowance change and applicable update to the household.	MTW <input type="checkbox"/>
Proposed Policy Language:	<u>PHA Policy</u> Revised utility allowances will be applied to a family's rent and subsidy calculations at the first recertification, contract rent increase or unit change after the allowance is adopted.		
Current Policy Language:	<u>PHA Policy</u> Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination after the allowance is adopted.		

Termination of Assistance and Tenancy Chapter 12

32	Section: Terminations related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking	Proposed Change: Adding HUD requirements and updates to VAWA regulations	MTW <input type="checkbox"/>
Proposed Policy Language:	<p>12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, OR HUMAN TRAFFICKING</p> <p><i>This section describes the protections against termination of assistance that the Violence against Women Act (VAWA) provides for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking. For general VAWA requirements, key VAWA definitions, and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan.</i></p> <p><i>VAWA Protections against Termination</i> VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (Note: The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program, as do the limitations discussed under the next heading.)</p> <ul style="list-style-type: none"> Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears. <p><i>First, VAWA provides that a PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, and who reasonably believed they were imminently threatened by harm from further violence if they remained in the unit [see 24 CFR 982.354(b)(4)].</i></p> <p><i>Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, stalking, or human trafficking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [see 24 CFR 5.2005(c)(1)].</i></p>		

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault, stalking, or human trafficking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, sexual assault, stalking, or human trafficking [see 24 CFR 5.2005(c)(2)].

Fourth, it gives PHAs the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

PHAs and owners may not coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA [FR Notice 1/4/23].

Current Policy Language:

12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING
This section describes the protections against termination of assistance that the Violence against Women Act of 2013 (VAWA) provides for victims of domestic violence, dating violence, sexual assault and stalking. For general VAWA requirements, key VAWA definitions, and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan.

VAWA Protections against Termination

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (Note: The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program, as do the limitations discussed under the next heading.)

First, VAWA provides that a PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed they were imminently threatened by harm from further violence if they remained in the unit [24 CFR 982.354(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives PHAs the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

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Section:

Terminations related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

Proposed Change:

VAWA updates.

MTW

Proposed Policy Language:

Documentation of Abuse
[24 CFR 5.2007]

PHA Policy

In determining whether a program participant who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the PHA will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, stalking or human trafficking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within an immediate time frame

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the participant wishes to contest the PHA's determination that they are an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing.

Current Policy Language:

Documentation of Abuse

[24 CFR 5.2007]

PHA Policy

When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault or stalking claims protection under VAWA, the PHA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-IX.D of this plan. The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the PHA will document the waiver in the individual's file.

Program Administration Chapter 16

34	Section:	Proposed Change:	MTW ☒
Proposed Policy Language:	Payment Standards	Adding MTW Language to payment standards.	MTW ☒
Current Policy Language:	<p>MTW Waiver</p> <p>The PHA has adopted a local policy in establishing payment standards based on Fair Market Rents. In FY2023-24, HAWC will create and apply two different voucher payment standards:</p> <p>Market Rate Voucher Payment Standard will generally apply to units in the private rental market. These payment standards will be set between 100% and 110% of area Fair Market Rents.</p> <p>Affordable Housing Voucher Payment Standards will generally apply to units with a nonprofit, tax credit status, designated affordable housing properties. These payment standards will be set between 90% and 100% of area Fair Market Rents.</p>		
35	Section:	Proposed Change:	MTW ☒
Proposed Policy Language:	Utility Allowances	Adding MTW language to utility allowances.	MTW ☒
Current Policy Language:	<p>MTW WAIVER</p> <p>An alternate utility allowance schedule has been waived and adopted to streamline the utility allowance calculation. The simplified utility allowance considers location, bedrooms size and if the household is responsible for: [1] Tenant pays water/sewer or all utilities. [2] Tenant pays Heat & Electric / landlord pays water and sewer. [3] Tenant pays no utilities / landlord pays all utilities.</p>		

36	Section: VAWA Notification	Proposed Change: HUD Mandatory change. To Overview	MTW <input type="checkbox"/>
Proposed Policy Language:	<p>PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY 16-IX.A. OVERVIEW</p> <p>The Violence against Women Act (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.</p> <ul style="list-style-type: none"> Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD’s recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears. <p>In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, “Family Breakup and Remaining Member of Tenant Family”; 3-III.G, “Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Stalking and Human Trafficking”; 10-I.A, “Allowable Moves”; 10-I.B, “Restrictions on Moves”; 12-II.E, “Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking”; and 12-II.F, “Termination Notice.”</p>		
Current Policy Language:	<p>16-IX.A. OVERVIEW</p> <p>The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.</p> <p>In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, “Family Breakup and Remaining Member of Tenant Family”; 3-III.G, “Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking”; 10-I.A, “Allowable Moves”; 10-I.B, “Restrictions on Moves”; 12-II.E, “Terminations Related to Domestic Violence, Dating Violence, or Stalking”; and 12-II.F, “Termination Notice.”</p>		
37	Section: VAWA Notification	Proposed Change: Definitions, adding affiliated individual, technological abuse, and updating domestic violence, sexual assault, and stalking.	MTW <input type="checkbox"/>
Proposed Policy Language:	<p>16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925]</p> <p>As used in VAWA:</p> <ul style="list-style-type: none"> The term <i>affiliated individual</i> means, with respect to a person: <ul style="list-style-type: none"> - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking. The term <i>bifurcate</i> means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact. The term <i>dating violence</i> means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: <ul style="list-style-type: none"> - The length of the relationship - The type of relationship 		

- The frequency of interaction between the persons involved in the relationship

- The term domestic violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:

- The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim

- A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner

- A person with whom the victim shares a child in common

- A person who commits acts against an youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction

- The term economic abuse means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:

- Restrict a person's access to money, assets, credit, or financial information

- Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage

- Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty

- The term sexual assault means:

- Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent

- The term stalking means:

- To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

- The term technological abuse means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:

- Internet enabled devices

- Online spaces and platforms

- Computers

- Mobile devices

- Cameras and imaging programs

- Apps

- Location tracking devices

- Communication technologies

- Any other emergency technologies

**Current Policy
Language:**

16-IX.B. DEFINITIONS
[24 CFR 5.2003, 42 USC 13925]

As used in VAWA:

- The term bifurcate means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

- The term dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- The term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- The term affiliated individual means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
 - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term sexual assault means:
 - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term stalking means:
 - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

Project Based Vouchers (PBV) Chapter 17

38	<i>Section:</i>	<i>Proposed Change:</i>	<i>MTW</i> <input checked="" type="checkbox"/>
Proposed Policy Language:	Payments to Owners	MTW payment standards for Project-Based Voucher households.	
Current Policy Language:	MTW WAIVER Project-Based Voucher units are eligible for the Affordable Housing Payment Standard schedule.		

Glossary

Added the following Acronyms:

- HIP Housing Information Portal
- HOTMA Housing Opportunity through Modernization Act of 2016
- IVT Income Validation Tool
- PBV Project-based voucher
- VCA Voluntary Compliance Agreement
- VMS Voucher Management System

Added the following defined glossary of subsidized housing terms:

Human trafficking. A crime involving the exploitation of a person for labor, services, or commercial sex. The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations recognize and define two primary forms of human trafficking:

- Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. See 22 U.S.C. § 7102(11)(A).

- Forced labor is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. See 22 U.S.C. § 7102(11)(B).

Technological abuse. An act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:

- Internet enabled devices
- Online spaces and platforms
- Computers
- Mobile devices
- Cameras and imaging programs
- Apps
- Location tracking devices
- Communication technologies
- Any other emergency technologies

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (24 CFR 984.103), *welfare assistance* includes only cash maintenance payments designed to meet a family's ongoing basic needs. Does not include nonrecurring short term benefits designed to address individual crisis situations, work subsidies, supportive services such as child care and transportation provided to families who are employed, refundable earned income tax credits, contributions to and distributions from Individual Development Accounts under TANF, services such as counseling, case management, peer support, child care information and referral, financial empowerment, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support, amounts solely directed to meeting housing expenses, amounts for health care, Supplemental Nutrition Assistance Program (SNAP) and emergency rental and utilities assistance, SSI, SSDI, or social security, and child-only or non-needy TANF grants made to or on behalf of a dependent child solely on the basis of the child's need and not the need of the child's current non-parental caretaker.