## SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

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INTRODUCTION

The overall mission of the New York State Homes and Community Renewal (HCR) is Partnering to Improve and Preserve our Homes and Communities.

The New York State Homes and Community Renewal comprises all the State’s major housing and community renewal agencies, among which are the Division of Housing and Community Renewal (DHCR) and the Housing Trust Fund Corporation (HTFC), a subsidiary public benefit corporation of the NYS Housing Finance Agency (HFA). HTFC contracts with DHCR to administer some of the activities of the Section 8 program.

Within the overall mission of the agency, this Administrative Plan serves as the HCR operational handbook for implementing the U. S. Department of Housing and Urban Development's (HUD) Section 8 Housing Choice Voucher (HCV) Program, including Enhanced and Project-based Vouchers. This Plan has been prepared in such a manner as to ensure compliance with all requirements set forth in 24 CFR §982.54 (Administrative Plan).

In the implementation of the Section 8 Housing Choice Voucher (HCV) Program, HCR acts as the Public Housing Agency (PHA) for all local programs under its purview. In this capacity as PHA, HCR has full responsibility for the satisfactory completion of all contractual obligations with HUD. The Section 8 tenant-based assistance programs are federally funded and administered for the State of New York by HCR through its Statewide Section 8 Voucher Program Office.

To effectively and efficiently implement the program over its entire Statewide jurisdiction, HCR has contracted with Local Administrators (LAs) to undertake necessary field activities. Day-to-day responsibility for local administration of the HCV Program in the field is assumed by each LA in its designated local area of operation. The divisions of responsibilities are detailed in a contract between HCR and each of its LAs.

The NYS HCR/Statewide Section 8 Voucher Program is authorized to administer the Section 8/Housing Choice Voucher Program in the following NYS jurisdictions: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Nassau, New York (Bronx, Brooklyn, Manhattan, Queens, Staten Island), Niagara, Oneida, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rockland, Saratoga, Seneca, Schuyler, Steuben, St. Lawrence, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, Westchester, Wyoming and Yates Counties. HCR is also authorized to administer a mobility counseling program in Westchester County.

Administration of the Section 8 Program and the functions and responsibilities of the HCR staff will be in compliance with the HCR Personnel Policy and HUD's Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.
**Charges Against Section 8 Administrative Fee Reserve**

As a New York State government department, HCR does not have a Board of Commissioners.

The Commissioner of HCR or, for usual and customary business in the implementation of the Section 8 Housing Choice Voucher Program, the Commissioner’s designee is responsible for review and approval of all proposed expenditures that may be made from an operating reserve for "other housing purposes".
Section 1.0 SELECTION AND ADMISSION POLICIES

It is the policy of HCR to ensure that all families who express an interest in housing assistance are given equal opportunity to apply and are treated in a fair and consistent manner. This section describes the policies and procedures for selecting and admitting families to the Statewide Section 8 Housing Choice Voucher (HCV) Program including completion of an application for assistance, placement and/or denial of placement on the waiting list and limitations on who may apply.

Unless otherwise approved by HCR (and HUD if regulatory waiver is required), these selection and admission processes apply to all local program areas in HCR’s Statewide Program jurisdiction.

1.01 Hiring a Housing Choice Voucher Participant as an Employee of the Local Administrator’s Organization

HUD rules and regulations do not prohibit a PHA from hiring as an employee a person who is also a participant in the PHA’s HCV program. However, when hiring such person, the LA should apply the same Section 8 standards and policies set forth in HUD rules and regulations and HCR’s Administrative Plan. The standards and policies currently used to safeguard the privacy and confidentiality of tenant information and tenant files should apply equally to the employee. Special efforts should be taken to assure that the employee/recipient is not receiving preferential treatment. This policy also applies to program participants who are relatives of employees.

Where feasible, the LA should utilize the services of another PHA/LA to conduct inspections, interim and annual reexaminations.

The LA must submit the names of all employees and relatives of employees who are participants in their Housing Choice Voucher program to the HCR Statewide Section 8 Voucher Program.

1.02 Eligibility of Local Administrator’s Employees for Housing Choice Voucher Program Assistance

HUD rules and regulations do not prohibit an employee (who is otherwise qualified) of a PHA from applying and receiving HCV program assistance from the PHA with whom he/she is employed.

Therefore, when an employee of the LA applies for Housing Choice Voucher Program assistance, the LA should apply the same Section 8 standards and policies set forth in HUD rules and regulations and HCR’s Administrative Plan. The standards and policies currently used to safeguard the privacy and confidentiality of tenant information and tenant files should apply.
equally to the employee. Special efforts should be taken to assure that the employee/applicant is not receiving preferential treatment. This policy also applies to relatives of employees.

The word “relative” as used in this section pertains to parent, child, grandparent, grandchild, sister, or brother of any employee.

1.03 Preferences

HCR has established local preferences for tenant-based vouchers within the Housing Choice Voucher Program to further objectives towards improved residential stability, expanding housing opportunities and alleviating homelessness within New York State.

Each LA must give preference to applicants on their general tenant-based waiting list for the Housing Choice Voucher Program, as described below:

First priority shall be given to the following:

Households defined as Homeless.
A qualified household must fall under one of the two categories listed below as defined by HUD (10% of each LA’s general allocation of regular vouchers must be dedicated to this preference - additional information below):

Category 1: An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or

b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Category 4: Any individual or family who:

a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and

b. Has no other residence; and
c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

In addition to identifying as one of the categories listed above, **HCR requires** the applicant provide or obtain written verification from a coordinating shelter, housing provider, service agency or institution (for those being discharged) confirming the same.

**Second priority** will be given to the following (No limitation):
**Households identified as Elderly and/or Disabled (as defined by HUD) or Families with Dependent Children.**

**Third priority** (No limitation):

**All applicants who do not meet the criteria to claim one of the preferences described above but meet all other eligibility criteria as described in HUD regulations and this Administrative Plan.**

As allowed under HUD regulations, HCR has exercised its’ discretion to limit the number of applicants that may qualify for a local preference, therefore, 10% of each LA’s general allocation of regular vouchers, not including those programs with a separate project number (i.e., Mainstream, VASH), must be designated for the above stated homeless preference. As long as the maximum threshold of 10% for each LA has not been reached, the homeless preference remains active within their jurisdiction. Once an LA has reached the maximum allowable participants for this preference, all remaining applicants will be chosen in order of remaining priorities and by position on the waiting list. Once a participant’s voucher, that was initially qualified for assistance under the homeless preference has been terminated or relinquished, the LA must re-activate the homeless preference until the maximum allowable threshold is reached. Each LA will be responsible for maintaining their tenant-based waiting list in accordance with these requirements.

For the PBV program, while the homeless preference stated above is not applicable, each project sponsor is encouraged to consider a homeless preference for their project as allowed by and through the competitive selection process, funding requirements and any additional programmatic requirements applicable at the time of award.

All LA’s with closed waiting lists must first offer current applicants on the waiting list who qualify to receive the benefit of the preference to move up on the waiting list accordingly. The notice to applicants must include how to successfully apply and establish themselves with the homeless preference status which would include the same format we implement for new applicants including contacting the partnering agencies for referrals and/or determination of preference eligibility. If a closed waiting list is opened to establish homeless applicants, the LA should specify on any public notice that current waiting list applicants will also be given the benefit of the preference.

**HUD regulations currently require mandatory prohibitions to the HCV program.** Policies regarding sex offender status, meth production, evictions within 3 years from federal assistance
and those family members currently engaged in illegal drug use or threatening activity are all still mandatory prohibitions to the program. In addition, as no policy, whether mandated by HUD or discretionary as set forth in HCR’s administrative plan, can be limited to or excluded from any one population (i.e. homeless population), all policies and/or available opportunities within the program must be followed, enforced and made available to all participants, as applicable.

Any additional special purpose programs with preferences or a targeted population as required by HUD are listed in Section 3.0 of this Administrative Plan and will be provided under separate notice.

1.04 Opening the Waiting List

Each LA will utilize the following procedures for opening the waiting list:

When the LA determines that there are an insufficient number of applicants on its local waiting list, the LA will advertise through public notice in local media of general circulation and any available minority media in the LA jurisdiction. The public notice should provide information on income and other general eligibility requirements; and should also contain the following:

- The dates, time, location, and other relevant contact information regarding where families may apply;
- The programs for which applications will be taken;
- The specified period (if any) for which applications will be received by the LA; and
- A brief description of the program;
- A statement that individuals with disabilities are eligible for the program and that reasonable accommodations will be made where necessary to ensure equal participation in housing assistance;
- A statement affirming compliance with equal housing opportunity requirements; and
- The federal Equal Housing Opportunity Logo.

Within 30 days of closing the waiting list, if an application is requested or submitted by a person with a disability, such request will be granted/accepted as a reasonable accommodation.

In conjunction with opening the waiting list, the LA is required to prepare an Affirmative Fair Housing Marketing Plan which addresses:

- Conducting outreach to advocacy groups (i.e., disability rights groups) on the availability of housing assistance;
- Identifying and outreaching to the population that is least likely to apply, both minority and non-minority groups, through various forms of media (i.e., radio stations, posters, newspapers) within the marketing area and through various community groups.
1.05 Closing the Waiting List

The LA may discontinue receiving applications if there are enough applicants to fill anticipated openings for the next 24 months. A local waiting list may not be closed if to do so would have a discriminatory effect inconsistent with applicable civil rights laws.

The LA will announce the closing of the waiting list by public notice.

1.06 Updating and Purging the Waiting List

The LA will update and purge its waiting list (including any active PBV waiting lists) at least annually to ensure that the pool of applicants reasonably represents families still actively interested in Section 8 HCV assistance. Updating enables the LA to update information regarding address, family composition, income category and preferences. The number of applicants on the waiting list should be at least equal to 50% of the LA’s current program size or sufficient to cover the next 24 months of anticipated available vouchers, whichever is greater.

Prior to updating the waiting list:

- The LA must retain a copy of the pre-updated waiting list report.
- All applicants who are affected by the update must be notified by mail.

The updating/purging process must be performed at minimum for those applicants considered reachable within a 12 month period for each active waiting list. All correspondence must include the name and address of the applicant notified.

The LA should advise applicants to provide updated contact information in writing. Applicants will be advised that they will be removed from the waiting list if they cannot be reached at the address provided on the initial application.

The letter will indicate that the purpose of the contact is:

- to determine applicant interest in remaining on the waiting list; and
- to offer the family an opportunity to update any information previously provided to the LA.

The contact letter will require the applicant to provide return correspondence in the following circumstances:

1. The applicant wishes to be removed from the waiting list, or
2. The applicant wishes to update information currently on file provided by the LA to expedite return of requested information.
Contact letters returned by the Post Office as undeliverable will be grounds for removing an applicant from the waiting list. However, if a letter is returned by the Post Office with a forwarding address, the LA should update the information on the computer and re-mail the letter to the new address. In such cases, an applicant’s name should not be removed from the active waiting list and determined ineligible unless the applicant fails to respond to this notice.

In addition, and if applicable, the LA should also notify the contact person or organization provided by the applicant on Form HUD-92006, “Supplement to Application for Federally Assisted Housing (see section of form entitled “Reason for Contact”)”, before removing the applicant’s name from the active waiting list.

The LA will compare results of the update to regular annual program participant attrition rates. If the initial update results in an inadequate number of applicants to offset regular program attrition rates, the LA will conduct additional outreach until it is determined that there are sufficient numbers of active applicants.

1.07 Removal of Applicants from the Waiting List

The LA will remove an applicant’s name from the waiting list under the following conditions:

- The applicant requests, in writing, that his/her name be removed;
- The applicant fails to respond to a written request for information;
- Correspondence is returned to the LA by the Post Office as undeliverable;
- The applicant misses two or more scheduled appointments/briefings; or
- The applicant does not meet either program eligibility or screening criteria.

Before removing an applicant from the waiting list due to the applicant’s failure to respond to a written request, a second letter must be mailed to the applicant. If the applicant does not respond to the second notice within ten (10) business days, the name of the applicant will be removed from the waiting list.

When an extenuating circumstance prevents an applicant from responding to an LA’s correspondence which resulted in the applicant being removed from the active waiting list and determined ineligible, reinstatement of the applicant shall be granted by the LA subject to acceptable documentation verifying the extenuating circumstance. If reinstatement is granted, the applicant will retain his/her original position on the waiting list.

Requests for reinstatement to the waiting list due to extenuating circumstances must be made within 60 days of the LA’s notice informing the applicant that his/her name will be removed from the active waiting list. Requests that are received after the 60 days period must be denied.

Extenuating circumstances include, but are not limited to the following:

- When a death has occurred in the family;
• Hospitalization;
• Illness;
• Incarceration; and
• Other circumstances determined by the LA

In no event will an applicant’s name be held in abeyance on the active waiting list based on his/her representation that he/she is not ready to be processed when reached on the list.

Applicants’ files must be retained for at least three years after the date an application is closed, withdrawn from the waiting list, or determined ineligible.

1.08 Screening of Applicants

As part of LA processes for determining eligibility for participation, the LA will conduct criminal background checks on all adult household members, including live-in aides. These checks will be used to identify circumstances under which assistance must be denied in accordance with the requirements of Section 1.9.

All adult applicant family members will be required to sign a release of information which will authorize the LA to access criminal records.

This check may be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area, the LA may contact law enforcement agencies where the individual had lived or request a check through the FBI’s National Crime Information Center (NCIC). The LA will also check with the State sex offender registration program to determine if an individual is subject to a lifetime registration requirement as a State sex offender.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the LA will provide any factual information or third party written information they have relevant to a voucher holder’s history of, or ability to, comply with material standard lease terms.

The LA will not screen family behavior or suitability for tenancy. The LA will not be liable or responsible to the owner or other persons for the family’s behavior or the family’s conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner’s unit. At or before LA approval of the tenancy, the LA will inform the owner that screening and selection for tenancy is the responsibility of the owner. The owner is responsible for screening families based on their tenancy histories, including such factors as:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
• Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
• Compliance with other essential conditions of tenancy.

All screening procedures will be administered uniformly, fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups under federal, New York State or local fair housing laws.

To the maximum extent possible, the LA will involve other community and governmental entities in the promotion and enforcement of this policy. This policy will be posted on the LA’s bulletin board and copies made readily available to applicants and participants upon request.

1.09 Grounds for Denial of Assistance

There are two automatic bars for which the LA will permanently deny assistance:

1. The LA will permanently deny assistance to a family if any member of the family has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally-assisted housing.

2. The LA will permanently deny assistance to anyone subject to a lifetime registration requirement as a State sex offender.

The LA will also deny assistance to applicants who:

1. do not meet any one or more of the eligibility criteria;
2. do not supply information or documentation required by the application process;
3. fail to complete any aspect of the application or lease-up process;
4. have a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including drug-related criminal activity that would adversely affect the health, safety or well-being of other participants or staff, or cause damage to the property. The LA may only consider prior criminal convictions or pending arrests and may not consider arrests and/or accusations that did not result in a conviction. Even where convictions exist, those convictions cannot be an automatic bar to the applicant being granted assistance unless they are one of the two automatic bars discussed above. However, such history will not serve as the basis to deny assistance if it has been at least five (5) years since the conviction or service of sentence whichever is later, where there has been no other such intervening criminal activity during that period that would serve as the basis to deny assistance.
5. have engaged in illegal drug use or a pattern of alcohol abuse (as specified below) within 1 year of initial lease-up of an applicant:
• A member of the household has demonstrated a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises.

The LA may waive the decision to deny assistance if:

• the person responsible for the prohibited action demonstrates successful completion of or are participating in a credible rehabilitation program approved by the LA, or

• the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity is no longer in the household due to death or incarceration.

• The LA may approve assistance to an eligible family, provided that the household member(s) determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the LA may consider individual circumstances with the advice of Juvenile Court officials.

If assistance is to be denied because of criminal activity, drug or alcohol abuse as outlined above, the denial will be based upon either of the following:

• Preponderance of evidence – defined as “evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.”

• Credible Evidence – defined as “evidence provided by police and court systems such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, warrants issued, arrests made, etc.”

6. currently owe rent or other obligations to any housing authority in connection with the public housing or Section 8 programs;

7. have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

8. have a family member who was evicted from federally-assisted housing within the last five years;

9. have a household member who has been evicted from federally-assisted housing for drug-related criminal activity within the last three (3) years prior to anticipated date of admission. “Drug-related criminal activity” is defined as the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell or distribute a controlled
substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. However, an eviction within the last 3 years for drug-related criminal activity is not an automatic bar since the LA will provide assistance if:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the LA; or

- The circumstances leading to the eviction no longer exist (for example, the household member has died or is incarcerated);

10. have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The LA may waive this requirement if:

- the person demonstrates to the LA’s satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;

- the person has successfully completed a supervised drug or alcohol rehabilitation program;

- the person has otherwise been rehabilitated successfully; or

- the person is participating in a supervised drug or alcohol rehabilitation program.

11. have engaged in or threatened abusive or violent behavior towards any LA staff member;

12. have a family household member who has been terminated under the Pre-Merger Certificate or Voucher Programs or Housing Choice Voucher Program during the last three years. This three-year prohibition does not apply to a family member who voluntarily withdrew from the program, and was in good standing at that time;

13. have a family member who has been convicted of manufacturing or producing methamphetamine;

14. have a family member with a lifetime registration under a State sex offender registration program; or

15. is a welfare-to-work (WTW) family that willfully and persistently failed to fulfill its obligations under the welfare-to-work voucher program within the last three years.

In considering whether to deny or terminate assistance because of any actions or failure to act by the members of the family, the LA must look at relevant circumstances such as the seriousness of the case the extent of participation or culpability of the individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial on the other family members who were not involved in the action or failure.
These circumstances governing denial of assistance to applicants shall also be applicable to any and all instances wherein a participant family wishes to admit an additional family member who meets any of the above conditions.

1.10 Confidentiality of Criminal Records

The LA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and must be destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed, will be housed in a locked file with access limited to LA staff individuals responsible for screening and determining eligibility for initial and continued assistance. Misuse of the above information by any employee of the LA will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the criminal report must be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family’s assistance is denied or terminated, the criminal record information must be shredded immediately upon completion of the review or hearing procedures and the final decision.

The LA will document in the family’s file the circumstances of the criminal report and the date the report was destroyed.

1.11 Notification of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified in writing by the LA that he/she has ten (10) business days from the date of the written correspondence to request an informal review. The letter will also indicate that the applicant’s name will be removed from the waiting list if he/she fails to respond within the time limit specified.

If an applicant’s criminal record was obtained from a state or local agency under section 24 CFR 5.903 or 5.905 (that is, obtained a criminal conviction or sex offender record of an adult household member from a law enforcement agency using the approved consent form) showing that a household member has been convicted of a crime relevant to applicant screening, the family must first be provided with the subject record and an opportunity to review and dispute the accuracy and relevancy before a denial of admission is communicated if based on the same information. Written notification indicating the applicant has (10) days from the date of the written correspondence to review and/or dispute must be provided prior to a notice of denial.

The LA’s system of removing applicants’ names from the waiting list will not violate the rights of persons with disabilities. If an applicant’s failure to respond to a request for information or
updates was caused by the applicant’s disability, the LA will provide a reasonable accommodation. If the applicant indicates that he/she did not respond due to a disability, the LA will verify that the applicant is disabled.

An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

### 1.12 Application Procedures

Each LA will utilize a standardized application form approved by HCR. The applicant will be responsible for completing all sections of the application. If an applicant with a disability requests assistance as a reasonable accommodation, the LA will arrange for it.

The primary purpose of the application intake function is to gather pertinent eligibility information on applicants. This process will also be utilized by LAs to provide such information to applicants as may be necessary to ensure accurate and timely decisions concerning eligibility and to expedite provision of assistance to eligible families.

Prospective applicants may either complete the application at the LA’s office or request that one be sent to them for completion and return.

Each application must be accompanied by proof of the applicant’s current address. The only exceptions to this requirement are:

- a. Project-based applicants; however, if an applicant applies to both waiting lists (project-based and Housing Choice Voucher), proof of residency is required for the HCV waiting list.

- b. Applicants who are not residing in the LA’s jurisdiction at the time of application.

Should an applicant be unable to provide the required proof of residency at the time of initial application, they will be considered a “non-resident” applicant as defined in Section 1.17.

At a minimum, the application will contain the following information:

1. Head-of-household name, address, and phone number;
2. Dates of birth for all family members;
3. Social Security numbers for all family members in accordance with HUD regulations and guidance, and HCR policy notices.
4. Racial and ethnic designation of the head of household;
5. Preferences either authorized by HCR or required by HUD;
6. Annual gross income for each family member;

7. Date application was submitted; and

8. Form HUD-92006, Supplement to Application for Federally Assisted Housing. *Note: While HUD requires that this form be included as a Supplement to the PHA’s Application for Federally Assisted Housing, the applicant has the option of providing additional contact information, or declining to do so. Regardless of the option chosen, the signed and dated form must be maintained in the applicant’s file.*


Upon receipt in the LA’s office, the date and time of each application will be recorded on the application form. Persons submitting applications will not be required to attend an interview; information on the application will be accepted on a “self-certified” basis until the applicant is contacted for a pre-selection final eligibility determination. Incomplete applications will be returned to a family, together with a statement of what information is necessary to complete the application.

Each person submitting an application will receive written acknowledgment of receipt of the application from the LA. As further described below, the acknowledgment will indicate the applicant’s tentative eligibility status.

Applicants who have submitted a complete application and have been determined to be preliminarily eligible for Section 8 HCV assistance will be placed on the waiting list until assistance is available. In the acknowledgment letter, the LA will briefly indicate the steps that will follow after the applicant’s name has been placed on the waiting list.

While documents verifying date of birth may be requested at the time of submission of the application, an applicant should not be denied placement on the waiting list if this documentation is not provided. Such verification is only required at the time of the final eligibility determination.

Disclosure of Social Security numbers by applicants must conform to HUD regulations and guidance, and to HCR policy notices. Accordingly, applicant(s) have up to 180 days to meet HUD’s Social Security documentation requirements before being removed from the waiting list.

If an applicant is determined ineligible based on the information provided in the application, the LA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform the family of its right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as a reasonable accommodation.

**1.13 Applicant Status While on Waiting List**
All applicants who are placed on the waiting list will be informed of their responsibility to report changes in address in writing within 30 days of occurrence. Applicants will also be required to report changes in income, family composition and/or other items potentially affecting applicant eligibility.

Applicants will be notified that, if the LA is unable to contact the family due to its failure to promptly submit a change of address notification, it may result in its name being dropped from the waiting list. Applicants will also be dropped from the waiting list if they fail to respond to written requests for information or action within LA-specified time frames.

Exceptions will be granted for applicants with disabilities, as defined in 24 CFR §5.403 who were not able to respond within the time frame due to their disability. Exceptions may also be granted for applicants hospitalized for sufficient duration if the failure to respond is/was due to the hospitalization.

**1.14 Time of Selection**

When funding is available, families will be selected from the waiting list in sequence, regardless of family size, subject to income targeting requirements.

**1.15 Income Targeting Requirement**

The same income targeting rule that applies to participant-based vouchers also applies to project-based vouchers (PBV). The 75% targeting requirement is a combined factor for any LA with both participant-based and project-based vouchers.

LAs are responsible for ensuring that, in any given year, of the combined total of participant-based and project-based admissions, not less than 75% of admissions must be families with incomes at or below 30% of area median.

HCR’s "targeting year" is the same as its program fiscal year of April 1 through March 31. LAs should look at the previous year's admission activity to determine the overall percentage of families admitted who were at or below 30% of median. No adjustments to administrative practices will be necessary if it is considerably above 75%.

HCR does not grant waivers of the income targeting policy for which an owner or landlord can apply.

In order to ensure that the targeting requirements are met on an overall basis, it is necessary that LAs meet these requirements on an individual basis. However, HCR may exercise its discretion to modify this requirement on an “as needed” or individual basis, in view of the initial impact on targeting that may result from PBV move-ins.

For PBV vacancies, LAs must continue doing everything possible to admit families with incomes at or below 30% of median. However, the LA is permitted to raise the targeting income ceiling to 50% of area median income if the LA can demonstrate that sufficient families at the
30% of area median income level are not available. In this situation, LAs should primarily, if not solely, admit families having incomes at or below 30% of area median income to tenant-based HCV openings, until the overall percentage of the LAs annual admissions equals or exceeds 75% of families at this income level.

1.16 Selection of Families from the Waiting List

Unless otherwise approved by HCR (and HUD if such approval is necessary), the selection of participants in all LA Program jurisdictions will be according to the following local selection order:

- For participant households with more than one family member, selection will be based on date and time of application (or in the case of an LA using a lottery selection process, in the order generated by the lottery selection process.)

- For single person households, persons who are elderly, disabled, handicapped or displaced will be selected before other single person households.

The qualification for the above listed preference and/or any subsequent preferences that may be added is based solely on an applicant’s status at the time of selection from the waiting list. LAs must not ask an applicant claiming disability to specify the exact nature of (or state or explain) his/her disability, nor does the applicant have to submit proof of said disability; documentation can only state that the applicant is disabled.

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be extremely low-income families (unless a different target is agreed to by HUD), the LA retains the right to skip higher income families on the waiting list to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, HCR and each LA will monitor incomes of newly admitted families and the incomes of the families on the waiting list.

If there are an insufficient number of extremely low-income families on the waiting list, the LA will conduct outreach on a non-discriminatory basis to attract sufficient numbers of extremely low-income families in order to reach the statutory requirement.

1.17 First-Year Limitation on Where Family Can Lease a Unit at Initial Participation in the Program

A “non-resident” applicant is required to utilize the voucher for the first 12 months in the initial Local Administrator’s jurisdiction.

For the purposes of this provision, a “non-resident” applicant is one where neither the head of household or spouse had a “domicile” (legal residence) in the jurisdiction of the Local Administrator at the time the family submitted an application for participation in that LA’s program. This section does not apply when the family or a member of the family is or has been
the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection forVictims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member, or any family member who has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family’s request to move.

The term “Legal Domicile” is defined as follows: "The legal residence of the household head or spouse as determined in accordance with State and local law." New York State case law defines “domicile” as “one’s [the household head or spouse] principal and permanent place of residence where he/she always intends to return to from wherever he/she may be temporarily located and from which he/she has no present intention of moving. In other words, the ‘domicile’ is the location where a person intends to make his or her home indefinitely.”

Families will be advised that, if contacted for admission to the local program wherein they were a “non-resident” at the time of application, they must utilize the assistance for 12 consecutive months in the jurisdiction of the program where they are being admitted before portability may be granted. In order to exercise their right to port, the family must provide supportive documentation establishing 12 consecutive months of residency with assistance. All documentation received must completely and sufficiently support the family’s residency claim. If there is insufficient evidence to support the residency claim, the portability request must be denied. If any documentation submitted to establish residency is determined fraudulent, the family must be terminated. All “non-resident” applicants must be advised of this policy upon acceptance of their application by the LA and at the time the family is contacted to establish an eligibility certification interview.

Conversely, if the family was a resident in the LA’s jurisdiction at the time of application, they will be eligible for portability at the time of initial issuance of the voucher.

The legal residence reported by the applicant at the time of application is the determining factor in the implementation of these provisions.

1.18 Eligibility of Students for Assisted Housing under Section 8

On December 30, 2005 HUD published a final rule implementing a new law pertaining to eligibility of students for Section 8 housing.


Under the new law and HUD’s rule, a person will not be eligible to separately receive Section 8 assistance who:

- Is enrolled as a student at an institution of higher education (a detailed definition of this term is provided in the April 10, 2006 Federal Register notice, pages 18149-18150);
- Is under the age of 24;
- Is not a veteran of the United States military;
• Is unmarried;
• Does not have a dependent child;
• Is individually ineligible for Section 8 assistance; or
• Has parents who are, individually or jointly, ineligible for assistance.

To summarize, the Federal Register states: “If a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for Section 8 assistance, or the student’s parents are, individually or jointly, ineligible for assistance, no Section 8 can be provided to the student. Unless the student is determined independent from his or her parents, as discussed in this guidance, the eligibility of a student seeking Section 8 assistance will be based on both the student and the parents being determined income eligible for Section 8 assistance.”

Note: HUD’s April 10, 2006 Guidance does not apply to a student residing in a Section 8 assisted unit with his or her parent(s), or who resides with his/her parent(s) who are applying to receive Section 8 assistance.

The rule also provides that in determination of student income, financial assistance in excess of tuition assistance received by the student will be included in annual income for determination of eligibility for Section 8 assistance, unless the student is over the age of 23 with dependent children. Financial assistance does not include loan proceeds for the purpose of determining income.

1.19 Initial Eligibility Certification

At the point of selection from the waiting list, all adult household applicants will be required to participate in an initial eligibility certification interview. Single persons who claim that they are elderly, disabled, handicapped or displaced must have that status verified prior to the LA’s scheduling of the initial eligibility certification interview.

Information used to verify an applicant’s eligibility at initial certification for the HCV program must be current, that is within 60 days of the issue date of a voucher. Upon verification of the applicants’ information, the LA must update the electronic “Wait List Applicant Report” for each applicant. A copy of the “Wait List Data Sheet” must be maintained in each applicant’s file.

After the above preference is verified, applicants will be required to participate in a full eligibility certification interview with an LA representative. The certification and briefing interview afford the LA an opportunity to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that all required information is accurate and complete. The briefing phase of the interview is used as a vehicle to provide information about the certification and verification process, as well as to advise the family of other PHA services or programs which may be available.
At the certification interview, the applicant will be required to furnish complete and accurate information requested by the interviewer. The LA representative will initially complete the certification based on written and/or verbal information provided by the applicant.

At the conclusion of the certification interview, the applicant will sign and certify that all information is complete and accurate.

1.20 Requirement to Attend Interview

All adult family members are required to attend the interview and sign the eligibility certification. Exceptions may be made for students attending school out of state or for members for whom attendance would be a hardship.

The head of household or the head and spouse are required to attend the interview. If the head of household cannot attend the interview, the spouse may attend to complete the certification and certify for the family. However, the head of household will be required to attend an interview within three days to review the information and to certify by signature that all of the information is complete and accurate.

If an applicant misses a scheduled appointment, does not contact the LA to reschedule, cannot be contacted by the LA to reschedule or misses two scheduled meetings, the LA will reject the application and the applicant will be removed from the waiting list.

If an applicant is denied assistance due to failure to attend the full certification interview, the applicant will be notified in writing and offered an opportunity to request an informal review. Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

The head of household and spouse will be required to sign the certification form and/or a supplemental form/worksheet containing the family composition, income, asset and allowance information for the family. As required by the LA, other adult members may also be asked to sign these forms.

All adult members must sign:

- HUD Form 9886 (Release of Information);
- any supplemental forms and/or documents required by the LA;
- declarations and consents related to citizenship/immigration status; and
- a consent form to release criminal conviction records and to allow the LA to receive records and use them in accordance with HUD regulations.
Applicants may also be required to sign specific verification forms for information which is not covered by HUD form 9886. Failure to do so when required will be cause for denial of the application for Section 8 assistance.

If the LA determines during or after the interview that additional information is needed directly from the applicant, the LA will specify in writing what information is required and what kind of documentation must be provided by the applicant to verify it. The family will be given ten business days to supply requested information. If the information is not supplied in this time period, the LA may deny assistance.

1.21 Portability Moves from Other PHAs

Local Administrators are required to adhere to HUD’s portability requirements for initial and receiving PHAs, as set forth in HUD regulations and PIH Notices.

Policies related to absorption or billing of portability moves are established by HCR as PHA. HCR reserves the right to revise its portability billing guidelines based on budget authority granted by HUD and unit baseline allocations established by HCR for each local program.

1.22 Income Verification

All income and asset information provided by the applicant will be verified via third-party contact unless repeated attempts to provide such verification fail. If the LA is unable to obtain third-party verification, the LA will specify what other form of verification may be acceptable within the guidelines specified by HUD. When third party verification is unavailable, the file must be documented to leave a clear audit trail. Any documentation requested directly from the applicant must be provided within the time specified by the LA.

1.22.01 Child Support

Periodic and determinable allowances received as child support payments must be included as annual income. However, child support payments pursuant to court order or private agreement that is nonrecurring or sporadic shall be excluded as income upon proper written verification.

The LA must also obtain third party verification of income derived from child support and/or cash contribution. Request for verification of such incomes must be made directly from the contributor or the enforcement agency (family court or Department of Social services, etc.).

1.22.02 Pay Stubs as Verification of Income
Original or authentic pay stubs generated by a third-party source dated either within the 60-day period preceding the reexamination or LA’s requested date can be accepted as verification of income subject to the following:

LAs are required to obtain a minimum of two current consecutive paystubs and/or year-to-date statement to determine annual income from wages. However, at its discretion, LAs are permitted to obtain additional paystubs up to a maximum of two months as warranted to determine the annual income. For participants who are paid on a monthly basis, LAs are permitted to obtain four consecutive monthly paystubs.

The average of the paystubs and the average of the year-to-date statement must be compared; the greater of the two averages must be used. Paystubs that are not consistent with (less than) an individual’s regular pay cycle (i.e.; weekly, bi-weekly, monthly, etc.) should not be used in the determination of average annual income. LAs must ascertain the reason(s) for the inconsistency and the file must be documented to leave a clear audit trail.

When the LA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal, temporary or inconsistent employment), the LA will review and analyze historical data (tax returns, EIV) for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

If the submitted paystubs or the year-to-date statement are inadequate to determine the average annual income. LAs must request/obtain third party verification of income.

1.22.03 Asset Verification

LAs are required to include in the calculation of annual income any interest or dividends earned on assets held by the family. Original or authentic documentation (i.e.; bank statements, stocks/bonds, real estate, etc.) generated by a third-party source within the most recent three (3) months. At its discretion, the LA may obtain statements that are older than 3 months if there is/are suspicion of any irregularities.

When a family has net family assets in excess of $5000, annual income shall include the greater of the actual income derived from the net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

For each new admission, the LA must comply with HUD’s EIV income verification requirements, including:

- review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and

- print and maintain a copy of the Income Report in the tenant file; and
• resolve any income discrepancy with the family within 60 days of the EIV Income Report.

1.23 Final Determination and Notification of Eligibility

After verification is completed, the LA will make a final determination of eligibility. This decision is based upon information provided by the family, verification activities undertaken by the LA and current eligibility criteria in effect. If the family is determined to be eligible, the LA will confirm eligibility via written notification to the family. If a briefing has not already been conducted by the LA, one will be scheduled to coincide with issuance of the Housing Choice Voucher.

1.24 Document Retention for Applicants and Participants

1.24.01 Applicants

Applicant files and documents must be retained for at least three years after:

• the date an application is closed;
• the applicant has withdrawn from the waiting list; or
• the applicant is determined ineligible.

When an applicant is admitted to the program, the application and associated verification of eligibility documents must be transferred to the participant’s file and must be retained in that file according to the rules for program participant files (see below).

Special rules apply to retention of U.S. Citizenship and Immigration Services (USCIS) documents. These documents must be retained for at least five years.

1.24.02 Participants

Documents for participants must be retained during the term of the assisted tenancy and for at least three years thereafter. However, except for the documents listed below, all other documents may be destroyed after the three-year period.

• Birth certificates or other verification of DOB
• Social security cards
• Initial pre-application
• Initial income eligibility verification
• Initial voucher
• Initial 50058
• Initial HAP contract
• Initial lease and tenancy addendum
Note: USCIS documents must be retained for at least five years.

When a new or additional folder is created for an existing participant, the documents specified above must be transferred to the new folder.

1.24.03 Criminal Records

Special retention rules pertain to criminal records for both applicants and participants. Criminal records are required to be destroyed once the purpose for which they are obtained has been accomplished.
Section 2.0  ISSUING VOUCHERS

After all family information has been verified, eligibility has been determined and the family has been briefed regarding general program rights and obligations, the LA will issue the Housing Choice Voucher (HCV). At this point the family begins its search for a unit.

2.01 Voucher Term

While HUD regulations specify a minimum voucher term of 60 days, HCR as the PHA has the discretion to modify this term and to grant a family one or more extensions of the initial voucher term in accordance with the policies set forth in the PHA’s administrative plan. HCR reserves the right to revise its voucher term guidelines based on budget authority granted by HUD and utilization of unit baseline allocations. Changes in voucher term policies will be disseminated, as needed, in Statewide Section 8 notices.

The initial term of the voucher will be 60 days and must be stated on the voucher. The LA may grant one or more extensions of the term, but the initial term plus any extensions will not exceed 180 days from the initial date of issuance. If additional extensions are required for reasonable accommodation and/or extenuating circumstances, the LA must follow the guidelines outlined in Section 2.04 below.

The family must make a reasonable effort to locate a unit throughout the initial voucher term and/or any subsequent extensions. If necessary, the family may seek the assistance of the LA. The LA is responsible for informing the family of the requirement to maintain a search record after the first 30 days of the search. If the LA fails to do so, they may not deny the extension of the voucher on the basis that the family did not make a reasonable effort to locate a unit.

2.02 Voucher Expirations

Upon expiration of a Housing Choice Voucher, the LA must inform the applicant or participant in writing that the voucher has expired. The voucher expiration notice must include the following text: “If you or a member of your household is a person with a disability, you may be eligible for an additional extension of the voucher upon request.”

If a voucher has expired, has not been extended by the LA or expires after an extension, the family will be denied assistance. As allowed by program regulations, a decision by the LA not to extend a voucher is not subject to an informal hearing. An applicant whose voucher has expired and who is not eligible for any additional extension of the voucher may reapply to the waiting list if the LA’s waiting list is open or, if the waiting list is closed, may reapply at such time as the waiting list reopens.
2.03 Suspensions

Suspension or tolling of the time that an applicant spends locating a unit is **not** permitted for the term of the voucher except for the time from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

2.04 Extensions

2.04.01 Reasonable Accommodation Extensions:

If a family needs and requests an extension (beyond the term noted in Section 2.01 above) as a reasonable accommodation to make the program accessible to and usable by a family member with a disability, it is the LA’s responsibility to evaluate and grant the extension.

2.04.02 Extensions Due to Extenuating Circumstances:

Prior to granting any of the following voucher extensions, the LA must obtain documentation to substantiate the basis for his/her approval of the extension.

(1) The LA must grant a 30-day extension of the voucher, beyond the term noted in Section 2.01 above, if extenuating circumstances such as hospitalization or a family emergency for an extended period of time affected the family’s ability to find a unit. A written request for such extension must be submitted within 30 days of the expiration of the voucher.

(2) A 30-day extension of the voucher must also be granted under the following circumstances:

   (a) A family member submits a “Request for Tenancy Approval” prior to the expiration of the voucher. After the submission of the Request for Tenancy Approval, the landlord/owner rescinds the agreement and the voucher term, as noted in Section 2.01 above, has expired; or

   (b) After the submission of the Request for Tenancy Approval and the completion of the HQS inspection, the landlord/owner refuses to correct the HQS deficiencies and the voucher term, as noted in Section 2.01 above, has expired.

2.05 LA Assistance to Voucher Holders

Families who require additional assistance during their search may call the LA office to request assistance. Voucher holders will be notified at their briefing session if the LA maintains and updates a listing of available units and how the updated list may be obtained.
The LA will assist families in negotiations with owners and provide other assistance related to the families' search for housing.

After the first 30 days of the search, the family is required to maintain a search record and report to the LA every 30 days. The search record will be in a form prescribed by HCR and the LA.

2.06 LA to LA Moves

In the case of a move between Local Administrators, if the LA has available funding, the LA will absorb. If the LA does not have sufficient funding to absorb, the LA must call HCR for guidance.
Section 3.0 SPECIAL ADMISSIONS

3.01 Special Purpose Programs

The HCR Statewide Section 8 Voucher Program currently operates the following special purpose programs in some, but not all, LA jurisdictions:

- Mainstream with Disabilities Program
- Veterans Affairs Supportive Housing Program (VASH)

Pursuant to HUD requirements that special purpose programs be targeted to families with specific characteristics, HCR and LAs will use targeted funds solely for their intended purpose(s).

Where applicable, families with targeted characteristics may be selected from the waiting list before non-targeted families who applied before them. In the selection of families with targeted characteristics within the overall group of other families with similar targeted characteristics, families will be selected in the same order of preference as are those families on the regular waiting list.

LAs administering a special admission program shall incorporate criteria that aid in ascertaining whether applicants meet the identified program requirements.

3.01.1 Mainstream Vouchers (MS)

Mainstream voucher assistance will be administered like other housing choice vouchers except for the following provisions:

MS5 vouchers are targeted only to families with at least one non-elderly disabled household member who must be at least 18 years of age or older and less than 62 years of age on the date of the initial HAP Contract signing and the submission of action type 1 (New Admission) to HUD, and who is:

- Transitioning out of institutional or other segregated settings;
- At serious risk of institutionalization;
- Homeless; or at-risk of becoming homeless

All eligible applicants must be drawn from the regular housing choice voucher waiting list. If an LA has a closed list or has exhausted their waiting list of applicants targeted for Mainstream, the LA must open their waiting list solely for non-elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless, and provide public notice advising the same.
Upon opening or renewing the waiting list of Mainstream eligible applicants, the LA must adhere to the policies and procedures in Section 1.04, including the provision requiring development of a Mainstream-specific Affirmative Fair Housing Marketing Plan and the leveraging of resources provided through established partnerships with service providers. Under no circumstances shall an LA provide a Mainstream voucher to a participant possessing a traditional voucher to free up a traditional voucher for a waiting list applicant.

LA’s must develop a Mainstream-specific Affirmative Fair Housing Marketing Plan to encourage applicants both independently and through referrals by leveraging resources through the establishment of existing and/or new partnerships with service providers.

A local preference has been established, limited to the total number of vouchers awarded for all Mainstream NOFA’s, for all applicants with at least one of the following status’: transitioning out of institutional or other segregated settings; at serious risk of institutionalization; currently experiencing homelessness; previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or; those at risk of experiencing homelessness.

3.01.1.A Mainstream Definitions

The following program definitions only apply to the Mainstream Program for eligibility determination:

Eligible household: A household composed of one or more non-elderly person(s) with disabilities between the ages of 18-61. The household may include additional household members who are elderly persons with disabilities.

Non-elderly person: Must be at least 18 years of age or older and less than 62 years of age on the date of the initial HAP Contract signing and the submission of action type 1 (New Admission) to HUD.

Non-elderly person with disabilities (for purposes of determining eligibility): An eligible non-elderly person who:
   i. Has a disability, as defined in 42 U.S.C. 423;
   ii. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
      a. Is expected to be of long-continued and indefinite duration;
      b. Substantially impedes his or her ability to live independently, and
      c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
   iii. Has a developmental disability as defined in 42 U.S.C. 6001.

Institutional or other segregated settings include, but are not limited to: (1) congregate settings populated exclusively or primarily with individuals with disabilities; (2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals’ ability to engage freely in community activities and to manage
their own activities of daily living; or (3) settings that provide for daytime activities primarily with other individuals with disabilities.

**At serious risk of institutionalization** includes an individual with a disability who as a result of a public entity’s failure to provide community services or its cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual’s eventual placement in an institution. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community-based services, individuals currently living under poor housing conditions or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. A person cannot be considered at serious risk of institutionalization unless the person has a disability. An individual may be designated as at serious risk of institutionalization either by a health and human services agency, by a community-based organization, or by self-identification.

**Homeless:**

1. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
   a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus, train station, airport, or camping ground;
   b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
   c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

2. An individual or family who will imminently lose their primary nighttime residence, provided that:
   a. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
   b. No subsequent residence has been identified; and
   c. The individual or family lacks the resources or support networks, (e.g., family friends, faith-based, or other social networks), needed to obtain other permanent housing;

3. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
c. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
d. Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

4. Any individual or family who:
a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
b. Has no other residence; and
c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

At risk of becoming homeless: An individual or family who:

1. Does not have sufficient resources or support networks, (e.g., family, friends, faith-based or other social networks), immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1)(a) of the “Homeless” definition; and

2. Meets one of the following conditions:
a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
b. Is living in the home of another because of economic hardship;
c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;
d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
f. Is exiting a publicly-funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

3.02 Veterans Affairs Supportive Housing (VASH)

NYS HCR’s Section 8 Housing Choice Voucher (HCV) Program elects, as authorized by and through the U.S. Department of Housing and Urban Development (HUD), to participate in the Veterans Affairs Supportive Housing (VASH) program. The VASH program combines Housing Choice Voucher (HCV) rental assistance for homeless veterans with case management and clinical services provided by participating VA medical centers (VAMCs) as well as community-based outreach clinics. The VAMCs refer identified and eligible homeless veterans to our Local Administrator to find and maintain safe, affordable housing while continuing to provide the services they need. The VASH program is administered only in select areas of the state and in partnership with VAMCs and our Local Administrators.

With exception to specific operating requirements set forth by HUD for VASH, NYS HCR administers VASH vouchers using the HCV program’s regulatory requirements and HUD directives as required. In addition, NYS HCR elects to allow, as an additional housing choice option, VASH tenant-based voucher holders to also seek housing designated as single-room occupancy (SRO).

3.03 Disaster Recovery

When a Federal or State disaster declaration is made in any area of New York State wherein HCR locally administers a Section 8 HCV Program, HCR may, according to the specific needs resulting from each disaster, make vouchers available to respond to disaster needs.

When HCR invokes the disaster recovery policy, LAs may utilize any available new or turnover assistance to assist families.

From existing HCR Section 8 Annual Contributions Contract (ACC) authority, vouchers may be allocated to local programs per the following terms, conditions and necessary steps:

1. On the basis of demonstrated need in each local program area, LAs may request additional Section 8 vouchers from HCR for families/persons that have been either permanently or indefinitely displaced as a result of a Federal or State declared disaster and that meet all normal program eligibility guidelines.
2. If/when disasters occur, HCR will notify HUD that this provision of HCR’s Public Housing Agency (PHA) Plan and Administrative Plan is to be invoked.

3. During the term of the Federal or State disaster declaration, income-eligible families already on local program waiting lists will be given first preference in the selection process. Other families affected by the disaster, but who are not on waiting lists, will be added to the list and given the same preference.

4. To be considered for Section 8 assistance, verification of a participant’s displacement status must be provided by an agency or individual capable of rendering an official decision (for example, codes officer, building/permits officer, etc.). This process must establish that a participant/person has been displaced and that such displacement is of such permanent, indefinite or extended duration that Section 8 is a necessary and appropriate resource.

5. A complete determination of participant eligibility must be made as soon as possible by the LA in conjunction with the damage/displacement assessment.

6. HCR will advise LAs when:
   - the overall supply of vouchers has been depleted; or
   - HCR determines that the situation has stabilized to the point where interim vouchers will no longer be made available.

7. Vouchers will be returned to HCR when families utilizing them:
   - lose eligibility per normal operating procedures (i.e., 30% of participant income equals the unit’s gross rent); or
   - are terminated from the program for non-compliance or any other reason. LAs will be notified if there are any changes to these provisions for returning vouchers to HCR.

8. Use of this special form of voucher disaster assistance is predicated on the understanding that once a participant receives a voucher, that assistance may not be considered for any fixed term (e.g., six months, one year, etc.); eligibility for continued assistance is handled like that of any other participant in the Section 8 program.
Section 4.0 OCCUPANCY POLICIES

4.01 Definition of Groups of Persons That May Qualify as a Family

1. A **participant with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship. A family may be a “non-traditional family” as defined in New York State law. Typically, a non-traditional family has a “long-term relationship and characterized by emotional and financial commitment and interdependence.”

   - Children temporarily absent from the home due to placement in foster care are considered participant members.
   - A first unborn child and children in the process of being adopted are considered participant members for purposes of determining bedroom size, but are not considered participant members for determining income limit.
   - In cases where a parent has joint custody where the child/children reside with the parent at least 51% of the time, the LA must consider such child/children in determining the voucher (unit) size for the participant. The 51% custody arrangement must be verified and documented. If both parents are participants in the Housing Choice Voucher Program (HCR Local program or another PHA), only one of the parents is allowed to claim the child/children as a dependent.

2. An **elderly family** is:
   - a family whose head, spouse, or sole member is a person who is at least 62 years of age;
   - two or more persons who are at least 62 years of age living together; or
   - one or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **disabled family** is:
   - a participant whose head, spouse, or sole member is a person with disabilities;
   - two or more persons with disabilities living together; or
   - one or more persons with disabilities living with one or more live-in aides.
4. A **displaced family** is a family in which each member or sole member has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

5. A **remaining member of a tenant family** may qualify as a family.

6. A **single person**, who is not an elderly or displaced person, a person with disabilities or the remaining member of a tenant family, may qualify as a family.

### 4.02 Family Guests

Participants in the Housing Choice Voucher program are permitted to have a guest or guests in the household.

If the guest resides in the unit for more than a total of 60 days or 15 consecutive days in a calendar year since the last annual reexamination, the guest(s) will be considered unauthorized household member(s). When this occurs, the LA must enforce HCR and HUD policies addressing this matter.

### 4.03 Definition of When an Applicant Is Considered to Be Continuously Assisted

An applicant is considered to be continuously assisted under the United States Housing Act of 1937 if the family is already receiving assistance under any 1937 Act program when the family is admitted to the Section 8 Housing Choice Voucher Program.
Section 5.0 ENCOURAGING PARTICIPATION IN AREAS OF NON-CONCENTRATION

In all local areas of HCR’s Statewide Section 8 Voucher Program where there are significant concentrations of low income and/or minority families, additional efforts will be taken to recruit and retain owners in non-impacted areas.

In each affected local area, HCR and its LAs will clearly delineate areas of concentration and neighboring areas outside these areas of concentration. These efforts by HCR and/or its LAs will include establishing maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation and supportive and social services.

Utilizing experience gained in HCR’s special-purpose mobility counseling program in Westchester County, the Enhanced Section 8 Outreach Program (ESOP), LAs in similarly impacted areas will utilize the following measures as appropriate to increase owner participation in areas outside of minority or poverty concentration:

1. Making direct contact with landlords;

2. Providing written information promoting the benefits of owner participation in the Section 8 Housing Choice Voucher Program;

3. Providing historical evidence of overall community benefits derived via deconcentration efforts;

4. Holding formal and/or informal discussions and meetings with landlord groups;

5. Meeting with rental referral companies or agencies; and

6. Meeting with fair housing groups or agencies.
Section 6.0 AFFIRMATIVELY FURTHERING FAIR HOUSING

In the provision of housing services and programs, the New York State Homes & Community Renewal (HCR) promotes Fair Housing and Equal Opportunity and carries out its responsibilities pursuant to: Presidential Executive Order #11063 requiring equal opportunity in housing; New York State’s Human Rights Law; The Fair Housing Act of 1968 - Title VIII; and The Americans with Disabilities Act (ADA).

It is the policy of HCR’s Statewide Section 8 Housing Choice Voucher (HCV) Program to ensure that participating landlords and each of its local program offices fully comply with all Federal, State, and local nondiscrimination laws and the U.S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, religion, color, national origin, sex, marital status, age, disability, military status, sexual orientation, lawful source of income or any other protected characteristic be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any of its housing programs.

HCR’s Fair and Equitable Housing Office (FEHO) was organized to respond to the Agency's expanding role in monitoring the progress of access to Fair Housing initiatives. In this effort, HCR’s website makes available the following publications:

- Fair Housing and Equal Opportunity form;
- Anti-Discrimination form;
- Affordable Housing Directories;
- Statewide Listing of HCR Section 8 Providers;
- FAQs;
- Section 8 Information Sheets;
- Violence Against Women Act (VAWA) information and forms;
- Agency contact phone numbers; and
- A complaint line.

HCR actively participates with local landlords in an effort to educate them regarding Fair Housing laws and conducts outreach programs to recruit additional landlords for the purpose of expanding housing choice to program participants by encouraging landlords to list their properties in areas of low minority and poverty concentration.

6.01 Assistance to Families Claiming Discrimination

LAs will provide Federal/State/local information to applicants for and participants in the Section 8 HCV Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application. The HUD Fair Housing Information and Discrimination Complaint Forms (Form 903) will be made available at the HCR Statewide Section 8 Voucher Program Office, the offices of each HCR Local Administrator, and on the HCR website. In addition, all appropriate written information and advertisements will contain the appropriate Equal Housing Opportunity language and logo.
The LA will assist any participant who believes he/she has suffered illegal discrimination by providing him/her with copies of the housing discrimination form. The LA will also assist the participant in completing the form, if requested, and will provide him/her with the address of the nearest HUD Office of Fair Housing and Equal Opportunity. The LA should also notify HCR, and specifically HCR’s Fair and Equitable Housing Office at feho@nyshcr.org or (518) 473-3089, when they are notified of any housing discrimination/fair housing complaints filed through the HUD office, New York Division of Human Rights, or any other forum, including courts.

The LA will advise families regarding how to file a complaint if they believe they have been discriminated against by an owner. The LA will advise the participant to make a Fair Housing complaint. The LA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing organization.

6.02 Section 8 Housing Choice Voucher Programs

In addition to the Housing Choice Voucher Program, HCR administers the following programs in selected communities throughout the State of New York based on availability of HUD funding:

- Family Self-Sufficiency (FSS) Program;
- Family Unification Program (FUP);
- Veterans Affairs Supportive Housing (VASH) Program, in partnership with the Department of Veterans Affairs Medical Centers

The purpose of FSS is to create an opportunity for families receiving Section 8 rental assistance to improve and develop their ability to increase employment opportunities and enhance life skills needed to become self-reliant. All families who are currently receiving assistance from HCR’s Section 8 HCV program are eligible to apply for voluntary participation in FSS.

The purpose of FUP is to create an opportunity for families for whom lack of adequate housing is the primary reason for a child or children being placed in out-of-home care. It is HCR’s policy to service all FUP-eligible referrals up to allowable awards or budget authority as authorized by HUD.

The HUD-Veterans Affairs Supportive Housing Voucher (HUD-VASH) Program combines HUD Housing Choice Voucher (HCV) rental assistance for eligible homeless veterans with case management and clinical services provided by the Department of Veterans Affairs in its medical centers in the communities. Referrals are made to HCR Local Administrators (LAs) by their partnering VA Medical Centers (VAMCs), and the LAs administer the program following regular HCV program requirements, as modified by HUD for the VASH program. As indicated in Sections 3.02 and 10.08 of this plan, VASH voucher holders may also seek housing designated as single room occupancy (SRO).
6.03 Fair Housing Policies

The agency provides both in-house and HUD-approved housing counseling services conducted by Neighborhood and Rural Preservation Companies and Neighbor Works organizations. As FSS and FUP families complete their requirements and graduate from the Housing Choice Voucher program, additional openings are made available for other low income families to qualify. The agency implements numerous initiatives to further the purposes of the Fair Housing Act. Strategies to promote fair housing rights and choice include mobility counseling; tenant, staff and owner education; and special initiatives to encourage housing search in areas where there are low concentrations of poverty and minority households.

All Housing Choice Voucher programs, including the Homeownership option, are marketed to all eligible families including persons with disabilities and those with limited English proficiency. HCR administers the Assets for Independence Program that allows families to accumulate funds for down payments & closing costs when preparing to become homeowners.

The agency does not restrict access to other housing programs to eligible disabled applicants who decline to participate in the Mainstream or NED programs.

HCR complies with all fair housing requirements of 24 CFR Section 903.7(o). HCR ensures people with disabilities have access to other housing assistance programs that are not limited to disabled families. The program is promoted by conducting outreach to independent living centers, veterans’ services offices, and other agencies that service disabled families.

HCR advises owners and participants exceptions to higher payment standards may be approved for reasonable accommodations so long as the accommodation is related to the person’s disability. HCR makes accommodations for disabled and non-English speaking individuals, such as providing home visits and having translators present. Accessibility for the hearing impaired is provided upon request.

Where requested, the agency will:

- Assist program applicants and participants in gaining access to local supportive services;
- Provide housing search assistance in accordance with Rent Reasonableness requirements; and
- Accept mailed applications from individuals who are unable to come to the management office because of a disability

HCR’s policies on Housing Choice Vouchers terms, as outlined in Section 2.01 of the Administrative Plan, allows each applicant adequate time for successful housing searches, and provides for extensions in response to requests for reasonable accommodation. Geographic choice is fostered through the Housing Choice Voucher portability provisions.

HCR’s central Section 8 Housing Choice Voucher System (SHCVS) tracks participant information such as race, ethnicity, familial status, and disability status in order to insure
compliance with Fair Housing regulations. HCR employs HUD-certified Housing Counseling Agencies that provide counseling services to participants in financial education, debt and credit repair, pre and post purchase counseling, default counseling and predatory lending. HCR sponsors numerous regional workshops that include information on fair housing and predatory lending.

HCR’s applicant briefing package includes information on the fair housing rights of HCV participants and where a discrimination complaint may be filed, including the office address, telephone number, and TTY number of the local fair housing agency, or HUD’s Office of Fair Housing and Equal Opportunity. The briefing material also includes the toll-free number for the HUD Housing Discrimination Hotline, (800) 669-9777. This information can also be accessed for the hearing impaired via TTY at (800) 927-9275 and/or by calling the Federal Relay Service (FedRelay) at (800) 877-8339.

HCR conducts outreach to organizations which assist people with disabilities, the elderly, students, immigrants, homeless people, victims of domestic violence and VAWA covered crimes, without regard to sex, gender identity or sexual orientation. HUD programs must also be operated consistently with HUD’s Equal Access Rule.

Equal Housing Opportunity advertisements and applicable Fair Housing Information and Discrimination Complaint Forms are available at each local office.
Section 7.0 PROVIDING PARTICIPANT INFORMATION TO PROSPECTIVE OWNERS

Upon request, the LA will provide the owner with:

- the participant’s current and prior address as shown in the LA's records; and
- the name and address of the participant’s current and prior landlord (if known by the LA).

This information is available to any prospective owner upon request.
Section 8.0 DISAPPROVAL OF OWNER

The LA will deny participation by an owner at the direction of HUD. The LA may also deny an owner’s participation for any of the following reasons:

1. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;

2. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;

3. The owner has engaged in drug-related criminal activity or any violent criminal activity;

4. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;

5. The owner has a history of overcharging tenants or charging additional rent in excess of the amount stipulated in the lease agreement.

6. The owner has a history or practice of renting units that fail State or local codes;

7. The owner has not paid state or local real estate taxes, fines, or assessments;

8. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the premises by tenants, LA employees or owner employees, or neighboring residents;

9. The owner is the parent, child, grandparent, grandchild, sister, or, brother of any member of the family; unless the PHA/LA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

   **Note:** A family who resides in a unit owned by a relative, and who is subsequently selected from the waiting list and issued a voucher, cannot remain in that unit unless a household member is a person with disabilities who requires this unit as a reasonable accommodation.

10. There exist other conflicts of interest under federal, state, or local law.
Section 9.0   GROUNDS FOR TERMINATING ASSISTANCE

9.01   Terminating for Alcohol Abuse or Criminal Drug Activity

The members of the household may not engage in:

- drug-related criminal activity, or
- violent criminal activity, or
- other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Pursuant to the procedures outlined in Section 14.0, “Informal Hearing Procedures for Participants,” the LA may terminate assistance if the following occurs:

- The LA finds that a member of the household has demonstrated a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises.

The LA will permit the participant family to continue receiving assistance, provided that household members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the LA will consider individual circumstances with the advice of Juvenile Court officials.

The LA will waive the decision to terminate assistance if:

- the person responsible for the prohibited action demonstrates successful completion of a credible rehabilitation program approved by the LA; or
- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity is no longer in the household due to death or incarceration.

9.02   Termination of Assistance to Sex Offenders

Pursuant to the procedures outlined in Section 14.0, “Informal Hearing Procedures for Participants”, assistance for participants or members of a participant family in the Statewide Section 8 Voucher Program admitted to the Program after June 25, 2001 and who are subject to a lifetime registration as a sex offender will be terminated in accordance with HUD Notice PIH 2012-28 issued on June 11, 2012.

Assistance will be terminated if the sex offender is subject to a lifetime registration requirement, and it is determined that:
1. the participant was admitted to the program after June 25, 2001, and at the time of admission was subject to such lifetime registration requirement but was erroneously admitted to the program, or;

2. recertification screening reveals a failure to disclose on their application and/or recertification forms that they were subject to a lifetime registration requirement, or;

3. recertification screening reveals they falsified information on the application and/or recertification forms regarding their criminal history.

9.03 Other Reasons for Terminating Assistance

The LA will also terminate assistance to participants who:

1. have a family member who has been convicted of manufacturing or producing methamphetamine on the premises of a federally assisted housing;

2. have a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including drug-related criminal activity, that would adversely affect the health, safety or well being of other participants or staff, or cause damage to the property. The LA may only consider criminal convictions or pending arrests and may not consider arrests and/or accusations that did not result in a conviction. Even where convictions exist, those convictions cannot be an automatic bar to the applicant being granted assistance unless they are one of the two automatic bars discussed in 1.9 above. If they are not one of the two automatic bars, the LA must take into consideration all relevant individual circumstances provided by applicant family before terminating assistance.

3. have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

4. have a family member who is currently involved in drug-related criminal activity including but not limited to the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell or distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

5. have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The LA will waive this requirement if:

   • the person demonstrates to the LA’s satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
• the person has successfully completed a supervised drug or alcohol rehabilitation program;

• the person has otherwise been rehabilitated successfully; or

• the person is participating in a supervised drug or alcohol rehabilitation program.

6. have engaged in or threatened abusive or violent behavior towards any LA staff member;

7. The LA may also terminate assistance to participants who do not supply information or documentation that is required for continued program assistance or who fail to comply with any other program obligations.

If assistance is to be terminated as outlined in this Section, the termination will be based upon either of the following:

• Preponderance of Evidence - defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

• Credible Evidence - defined as evidence provided by police and court systems such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, warrants issued, arrests made, etc.

In considering whether to terminate assistance because of action or failure to act by the members of the family, the LA must look at relevant circumstances such as the seriousness of the case the extent of participation or culpability of the individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial on the other family members who were not involved in the action or failure.
Section 10.0 SUBSIDY STANDARDS

10.01 Determination of Family Unit (Voucher) Size
The LA will issue a voucher for a specific bedroom size, taking into consideration the family size and family composition, in determining the family’s level of assistance. The subsidy standard provides for the smallest number of bedrooms needed without overcrowding and must be applied consistently for all families of like size and composition. Any changes to the standard with a negative or adverse impact on the family shall take place at the second annual certification after the change.

The following guidelines will be used to determine each family’s unit size:

Zero Bedroom:
- HOH

One Bedroom:
- HOH
- HOH, spouse/cohabitant

Two Bedrooms:
- HOH, 1 child/adult
- HOH, 2 children/adults
- HOH, spouse/cohabitant, 1 child/adult
- HOH, spouse/cohabitant, 2 children/adults

Three Bedrooms:
- HOH, 3 children/adults
- HOH, 4 children/adults
- HOH, spouse/cohabitant, 3 children/adults
- HOH, spouse/cohabitant, 4 children/adults

Four Bedrooms:
- HOH, 5 children/adults
- HOH, 6 children/adults
- HOH, spouse/cohabitant, 5 children/adults
- HOH, spouse/cohabitant, 6 children/adults

Five Bedrooms:
- HOH, 7 children/adults
- HOH, 8 children/adults
- HOH, spouse/cohabitant, 7 children/adults
- HOH, spouse/cohabitant, 8 children/adults

The LA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the voucher. The LA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.
All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

The LA will assign one bedroom for the head of household and spouse/co-head/cohabitant/partner and an additional bedroom for each two persons within the household. In addition, the LA will also use the following guidelines for determining voucher size:

- Foster children will be included in determining unit size only if they will be in the unit for more than one month.

- If a live-in aide is approved, a separate bedroom must be provided for them. The live-in-aide will not be required to share a bedroom with another family member of the household. No additional bedrooms will be provided for the live-in-aide’s family members.

- Space will be provided for a family member who is away at school but who lives with the family during school recesses.

- Space will be provided for a child whom has been removed but considered “temporarily” absent, even if the child is not considered a family member during the time they are absent as long as the family is able to provide documentation from the Department of Child and Family Services or a court order indicating the intention is to reunite the child with the family, at least every 6 months. There will be no reduction in subsidy standards.

- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is stationed away in the military.

A single pregnant woman with no other family members must be treated as a two-person family.

The family unit size will be determined by the LA in accordance with the above guidelines and will determine the maximum rent subsidy for the family. At no time will a unit be approved if considered overcrowded (family is under-housed), however, with the exception of a PBV unit (See Section 25.08 of this Administrative Plan) a family issued a voucher may select a larger or smaller unit than the family’s approved unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

Households may experience a change in the size of the number of bedrooms they are eligible to occupy or of the voucher size they are issued. These changes may be a result of changes in either the household’s composition or the established subsidy standard.

The LA will grant exceptions to normal occupancy standards in accordance with the provisions in Section 10.02.
The LA will grant an exception upon request as a reasonable accommodation for persons with disabilities. When a Local Administrator is considering a larger voucher size on behalf of a reasonable accommodation request, the following procedures must be implemented:

1. The tenant must submit documentation to the LA verifying that the household member is in fact disabled. While a "diagnosis" is not required, there should be documentation in the file that provides substantiation of and is directly related to the person’s disability. Proof of the disability and/or the disability-related need for the accommodation may be requested unless the disability and need are obvious or otherwise known. The LA must place a memo into the file documenting the amount of the increase and the justification of the use of a higher rent/payment standard.

2. Once the LA has obtained documentation that verifies the tenant’s disability and connection to the accommodation, the LA should notify his/her Statewide Section 8 Program Representative. The letter should indicate that the LA has increased the voucher size, and state the month/date in which the increase will take effect. The Program Representative will maintain a copy for their file.

Circumstances may dictate a size larger than subsidy standards permit when persons cannot share a bedroom because of a need such as a verified medical or health reason or elderly persons or persons with disabilities who may require a live-in-aide.

**10.03 Requests for Exceptions to Subsidy Standards**

The family may request a voucher larger than indicated by the LA's subsidy standards. Such request must be made in writing. The request must explain the need or justification for a larger voucher. Documentation verifying the need or justification will be required as appropriate.

Subject to all program eligibility requirements and owner approval, the LA may issue a larger voucher only for the addition of a family member who is:

1) Married to, marries or is the partner/cohabitant of the head of household,
2) A parent or grandparent of the head of household/partner/cohabitant,
3) A child, grandchild or step-child of the head of household/partner/cohabitant, or,
4) In the legal custody of the head of household/partner/cohabitant

At its discretion, an LA may issue a larger voucher to the family due to extenuating circumstances. However, the LA must obtain documentation to substantiate the basis for the larger voucher and must submit their decision to their Program Representative.

**10.04 Errors in Subsidy Standards**

If the LA commits an error in the bedroom size designation, the family will be issued a voucher of the appropriate size.
10.05 Changes for Applicants

The voucher size is determined prior to the family’s briefing by comparing the family composition to the established LA subsidy standards. If an applicant requires a change in voucher size, based upon established LA subsidy standards, the guidelines in Section 10.01 will apply.

10.06 Overcrowding (Under-Housed) Families

If a unit does not meet Housing Quality Standards (HQS) space standards due to an increase in family size (unit too small), the family must move to an appropriately sized unit, and if approved based upon established subsidy standards, the LA will issue a new voucher.

In order to continue with program assistance, the family will be required to locate appropriately sized housing, however, the LA will also notify the family of the circumstances under which an extension may be granted, such as:

- if a family with a disability is under-housed in an accessible unit;
- the LA and family (after documented attempts) have been unable to locate a unit within 180 days.

10.07 Under-Utilization (Over-Housed) in Enhanced Voucher Conversions

Unit size is determined by family composition. If the family is occupying a right-sized unit they are eligible for, they may remain as long as the unit passes HQS. If the family is under-utilizing the unit (that is, the unit is larger than a bedroom size determination made from Section 10 of this Administrative Plan), they must first be offered an available right sized unit within the same development. Should there not be one available within a reasonable timeframe, the family must be given a voucher to move to a correctly sized unit.

If the family refuses to move, the family rent share will be recalculated based on the payment standard for the right sized unit.

10.08 Ineligible Housing

The following types of housing are not assisted under the NYS HCR Housing Choice Voucher Program:

- a public housing or Indian housing unit;
- a unit receiving project-based assistance under a Section 8 program;
- nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
• college or other school dormitories;

• units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;

• a unit occupied by its owner (this restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space); or

• a unit receiving any duplicative Federal, State, or local housing subsidy (this does not prohibit renting a unit that has a reduced rent because of a tax credit).

The LA will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

• Congregate housing;

• Group homes;

• Shared housing;

• Assisted living facilities; or

• Single room occupancy housing (except for VASH tenant-based voucher holders).
Section 11.0 FAMILY ABSENCE FROM THE DWELLING UNIT

The family must supply any information or certification requested by the LA to verify that the family is living in the unit or, if the family is absent from the unit, it must provide any LA requested information or certification on the purposes of family absences.

The family must cooperate with the LA for this purpose. The family must promptly notify the LA of its absence from the unit.

Absence means that no adult member of the family has resided in the unit for 30 or more days. The family must request permission in writing from the LA for absences that will exceed 30 days. The LA will make a determination in writing within five business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

- prolonged hospitalization;
- absences beyond the control of the family (e.g., death in the family, other family member illness); or
- other absences that are deemed necessary by the LA.

11.01 Confinement to Nursing Home or Hospital

If a family member is permanently confined to a hospital or nursing home and there are additional family members (s) remaining in the household, the LA will eliminate the income and medical deduction of the person permanently confined to the nursing home or hospital upon proper notification by the family.

If a reduction in bedroom size and corresponding payment standard is necessary as a result of the family member permanent confinement, the new payment standard will be effective at the second annual certification.
Section 12.0: DETERMINING ASSISTANCE IF A FAMILY BREAKS UP

In those instances where a family assisted under the Section 8 Housing Choice Voucher Program becomes divided into two otherwise eligible families due to divorce, legal separation or the division of the family; the new families cannot agree as to which new family unit should continue to receive the assistance; and there is no determination by a court, the LA will consider the following factors to determine which of the families will continue to be assisted:

- which of the two new family units has custody of dependent children;
- which family member was the head of household when the voucher was initially issued (listed on the initial application);
- the composition of the new family units and which unit includes elderly or disabled members;
- whether domestic violence was involved in the breakup;
- which family members remain in the unit; and
- recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the LA will terminate assistance on the basis of failure to provide information necessary for a recertification.

12.01 Remaining Member of Tenant Family

To be considered the remaining member of the tenant family, the person must have been previously approved by the LA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the family. A “room-mate,” as defined in Section 4.03 is also not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

- the court has to have awarded emancipated minor status to the minor; or
- the LA must have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child (or children) for an indefinite period.

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If a minor, as the only remaining family member receives continued assistance under the voucher program, then the voucher must remain available to the minor regardless of future guardianship. Once the minor reaches adulthood, all applicable voucher requirements prevail.

A reduction in family size may require a reduction in the voucher family unit size.
Section 13.0 INFORMAL REVIEW PROCEDURES FOR APPLICANTS

13.01 Preference Denials

If the LA denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal meeting (not an informal review) with LA staff to discuss the reasons for the denial.

The person who conducts the meeting will be an employee of the LA who is at or above the level of the employee but not the employee who made the decision.

13.02 Informal Review Procedures for Applicants

The LA will give an applicant for participation in the Section 8 Housing Choice Voucher Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the decision including the documentation used if obtained from a state or local agency with an approved consent form. Written notification indicating the applicant has ten (10) days from the date of the written correspondence to review and/or dispute must be provided prior to a notice of denial. After such time, if proceeding with a denial, a second notification must be sent indicating the applicant may request an informal review within ten (10) business days. The final date in which the applicant may respond must be stated and will describe how to obtain the informal review. If needed, an applicant should be given an opportunity to submit a written request to reschedule an informal review. The applicant will be granted only one opportunity to reschedule an informal review. The informal review must be conducted within 30 days from the date of the denial notice.

13.03 When an Informal Review is Not Required

The LA will not provide the applicant an opportunity for an informal review for any of the following reasons:

1. a determination of family unit size under the LA subsidy standards;
2. LA determination not to approve an extension or suspension of a voucher term;
3. LA determination not to grant approval to lease a unit under the program or to approve a proposed lease;
4. LA determination that a unit selected by the applicant is not in compliance with Housing Quality Standards (HQS), including reasons related to family size or composition;
5. general policy issues or class grievances; or
6. discretionary administrative determinations by the LA.
13.04 Informal Review Process

The LA will give an applicant an opportunity for an informal review of the LA’s decision denying assistance to the applicant.

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the LA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- the reason(s) they have been determined ineligible;
- the procedure for requesting a review if the applicant contests the decision; and
- the deadline or time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, the LA will provide the subject of the record and the applicant with a copy of the criminal record and any other documentation upon which the decision to deny was based.

The LA will provide applicants with the opportunity for an informal review of decisions denying:

- listing on the LA's waiting list;
- issuance of a Voucher;
- participation in the program; and
- assistance under portability procedures.

13.05 Procedure for Review

A request for an informal review must be received in writing by the close of the business day, no later than ten business days from the date of the LA's notification of denial of assistance. The informal review will be scheduled within five business days from the date the request is received. The informal review must be conducted within 30 days from the date of the notice of denial.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.
The review may be conducted by any of the following:

- a staff person who is at the Casework Supervisor level or above;
- the Program Director or Executive Director (if not the same person who made the initial decision to deny assistance); or
- an individual from outside the LA.

The applicant will be given the option of presenting oral or written objections to the decision. Both the LA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist the family at its own expense. The review may be conducted by mail and/or telephone if acceptable to both parties.

A notice of the review findings will be provided in writing to the applicant within fourteen days after the review. It will include the decision of the review officer and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the applicant's file.

### 13.06 Mitigating Circumstances for Applicants with Disabilities

When applicants are denied placement on the waiting list or the LA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Examples of mitigating circumstances are:

- A person with a cognitive disorder may not have understood the requirement to report increases in income.
- A person may not understand the need to make regular repayments on a promissory note.
- Minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

### 13.07 USCIS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the USCIS SAVE system and manual searches do not verify the claim, the LA will notify the applicant within ten days of his/her right to appeal to the USCIS within thirty days or to request an informal hearing with the LA, either in lieu of or subsequent to the USCIS appeal.

If the family appeals to the USCIS, it must give the LA a copy of the appeal and proof of mailing or the LA may proceed to deny assistance. The time period to request an appeal may be extended by the LA for good cause.
13.08 **Restrictions on Assistance to Non-Citizens**

Assistance to an applicant will not be delayed or denied if:

- on the basis of immigration status if the applicant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;

- the LA has not completed primary and secondary verification of immigration documents submitted by the applicant in a timely manner;

- if the USCIS appeals process under Section 5.514 has not been completed;

- if the ineligible family member has left the household; or

- assistance to the applicant will be prorated;

Assistance to an applicant will be denied if:

- if a declaration of citizenship and eligible immigration status is not submitted by the date specified;

- USCIS primary and secondary verification does not support eligible immigration status of a family member;

- the applicant family does not pursue USCIS appeal or informal hearing rights; or

- USCIS appeal or informal hearing decisions are decided against the applicant or an individual family member.

13.09 **Informal Review Regarding Citizenship Status with LA**

The request for an LA review must be made within 14 days of receipt of the notice offering the review; if an appeal was made to the USCIS, within fourteen days of receipt of that notice. The applicant will be notified that assistance will not be denied until the USCIS appeal process concludes but that assistance may be denied pending the LA informal hearing.

After receipt of a request for an informal review, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the LA will deny assistance to the applicant.

Families denied for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as reviews for terminations for any other type of fraud.
Section 14.0  INFORMAL HEARING PROCEDURES FOR PARTICIPANTS

14.01  Consideration of Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the LA must consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The LA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure to act will not reside in the unit. The LA may permit the other members of a participant family to continue receiving assistance.

If the LA seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the LA determines and notifies the participant of the decision to deny or terminate assistance. In determining whether to terminate assistance for these reasons the LA will consider evidence of whether the household member:

- has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
- has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
- is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

14.02  When a Hearing is Required

LA hearing procedures will be provided to families in the briefing packet. The LA will give a participant family an opportunity for an informal hearing to consider whether the following LA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and LA policies:

1. determination of the family’s annual or adjusted income, and the use of such income to compute the housing assistance payment;

2. determination of the appropriate utility allowance (if any) for tenant-paid utilities from the LA utility allowance schedule;
3. determination of the family unit size under the LA subsidy standards;

4. determination to terminate assistance for a participant family because of the family’s action or failure to act; or

5. determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the LA policy and HUD rules.

In cases described in items 4 and 5 above, the LA will provide the opportunity for an informal hearing before the LA terminates housing assistance payments for the family under an outstanding HAP contract.

14.03 When a Hearing is Not Required

The LA will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

1. discretionary administrative determinations by the LA;

2. general policy issues or class grievances;

3. establishment of the LA schedule of utility allowances;

4. LA determination not to approve an extension or suspension of a certificate or voucher term;

5. LA determination not to approve a unit or lease;

6. LA determination that an assisted unit is not in compliance with HQS. However, the LA will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family;

7. LA determination that the unit is not in accordance with HQS because of the family size; or

8. a determination by the LA to exercise or not exercise any right or remedy against the owner under a HAP contract.

14.04 Notice to the Family

In the cases described in items 4 and 5 of Section 14.03 entitled “When a Hearing is Not Required,” the LA will notify the family that the family may ask for an explanation of the basis of the LA’s determination, and that, if the family does not agree with the determination, the family may request an informal hearing on the decision.
In the following cases described in items 4 and 5 of Section 14.02 entitled “When a Hearing is Required,” the LA will give the participant prompt written notice that the family may request a hearing within ten business days the final date for the participant to respond must be stated of the notification. The LA hearing procedures will be provided to families in the briefing packet. The participant should be given the opportunity to submit a written request to reschedule an informal hearing. The participant will be granted only one opportunity to reschedule an informal hearing.

The notice will contain a brief statement of the reasons for the decision and state that, if the family does not agree with the decision, the family may request an informal hearing on the decision within ten business days of the notification. The informal hearing must be conducted within 60 days from the date of the notice.

14.05 Hearing Procedures

The LA and participants will adhere to the following policies and procedures:

1. Discovery

   a. The family will be given the opportunity to examine before the hearing any LA documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family’s expense. If the LA does not make the document(s) available for examination on request of the family, the LA may not rely on the document at the hearing.

   b. The LA will be given the opportunity to examine, at the LA’s offices before the hearing, any family documents that are directly relevant to the hearing. The LA will be allowed to copy any such document at the LA’s expense. If the family does not make the document(s) available for examination on request of the LA, the family may not rely on the document(s) at the hearing.

2. Representation of the Family

   At the family’s own expense, a lawyer or other representative may represent the family.

3. Hearing Officer

   The hearing will be conducted by any qualified person or persons designated by the LA, other than a person who made or approved the decision under review or a subordinate of this person;

   The person who conducts the hearing will regulate the conduct of the hearing in accordance with LA hearing procedures.
4. **Evidence**

The LA and the family must have the opportunity to present evidence and to question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. **Issuance of Decision**

The person who conducts the hearing must issue a written decision within 14 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

14.06 **Effect of the Decision**

The LA is not bound by a hearing decision:

- concerning a matter for which the LA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under LA hearing procedures; or

- contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.

If the LA determines that it is not bound by a hearing decision, the LA will notify the family within 14 calendar days of the determination and of the reasons for the determination.

14.07 **Mitigating Circumstances for Participants with Disabilities**

When the LA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal hearing process.

Examples of mitigating circumstances are:

- a person with a cognitive disorder may not have understood the requirement to report increases in income;

- a person may not understand the need to make regular repayments on a promissory note; or

- minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.
14.08 Hearing Provisions for Restrictions on Assistance to Non-Citizens

Assistance to a participant will not be terminated:

1. on the basis of immigration status if the participant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;

2. if the LA has not completed primary and secondary verification of immigration documents submitted by the participant in a timely manner;

3. if the USCIS appeals process under Section 5.514 has not been completed;

4. if the ineligible family member has left the household;

5. if assistance to the participant will be prorated;

6. if assistance for a mixed family is continued in accordance with Sections 5.514 and 5.518 of program regulations;

7. if the LA has deferred termination of assistance in accordance with Sections 5.516 and 5.518 of program regulations.

Assistance to a participant will be terminated if:

1. a declaration of citizenship and eligible immigration status is not submitted by the date specified;

2. USCIS primary and secondary verification does not support eligible immigration status of a family member;

3. the participant family does not pursue USCIS appeal or informal hearing rights; or

4. USCIS appeal or informal hearing decisions are decided against the participant or an individual family member.

14.09 USCIS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the USCIS SAVE system and manual search do not verify the claim, the LA will notify the participant within ten days of his/her right to appeal to the USCIS within 30 days or to request an informal hearing with the LA, either in lieu of or subsequent to the USCIS appeal.
If the family appeals to the USCIS, it must give the LA a copy of the appeal and proof of mailing or the LA may proceed to deny assistance. The time period to request an appeal may be extended by the LA for good cause.

### 14.10 Informal LA Hearing

The request for an LA hearing must be made within 14 days of receipt of the notice offering opportunity for the hearing or, if an appeal was made to the USCIS, within 14 days of receipt of that notice. The participant will be notified that assistance will not be terminated until the USCIS appeal process concludes.

After receipt of a request for an informal hearing, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible and there are no other eligible family members, the LA will:

- defer termination if the participant family qualifies for deferral; or
- terminate the participant if the family does not qualify for deferral.

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.
Section 15.0 COMPLAINTS

The LA will investigate and respond to complaints by participant families, owners, employees, and the general public. All complaints will be documented. The LA may require that complaints other than HQS violations be put in writing.

Anonymous complaints are investigated when the person making the complaint indicates in writing the details of the specific allegations.

Categories of Complaints

- **Complaints from families:** If a participant family disagrees with an action or inaction by a representative of the LA or owner, complaints will be referred to the supervisor of the LA representative (unless that is the same person to whom the complaint was lodged against). If a complaint is not resolved, the LA may refer the family to the HCR Statewide Section 8 Program Representative for resolution. The LA will inform HCR (preferably via e-mail transmission) prior to referring applicants or participants to HCR.

- **Complaints from owners:** If an owner disagrees with an action or inaction of the LA or a family, complaints from owners will be referred to the LA office.

- **Complaints from staff:** If an LA staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to the LA for resolution.

- **Complaints from the General Public:** Complaints or referrals from persons in the community in regard to the LA, a family or an owner will first be referred to the LA. If a complaint is not resolved, it may be referred to the LA’s HCR Statewide Section 8 Program Representative for investigation and ultimate resolution.
Section 16.0 PAYMENT STANDARDS

16.01 Setting the Payment Standard

For each local program in HCR’s Statewide Voucher Program, payment standards are established within the allowed “basic range” - 90 percent to 110 percent of the applicable HUD published Fair Market Rent (FMR). If, as a result of a HUD published FMR a payment standard falls outside of the basic range, a revision must be completed within 3 months following the effective date of the change in the FMR. Specific payment standards for all bedroom sizes in each LA jurisdiction are established per the unique market forces at play in each local program area.

HCR may, within the HUD-allowed basic range, approve a higher payment standard for a designated part of an LA’s FMR area if it is needed to expand housing opportunities outside areas of minority or poverty concentration.

HCR may also, upon LA request, approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

The payment standard required for either a recertification or a newly issued voucher will depend on the effective date of the certification. If the effective date of the certification is before the effective date of the new payment standard schedule, then the old payment standard schedule must be used. If the effective date is on or after the effective date of the new payment standard schedule, then the new payment standard schedule must be used.

16.02 Revising the Payment Standard

HCR and LAs will review payment standard levels annually, concurrent with publication of Fair Market Rents. The LA may also request payment standard adjustments at times other than the annual review when circumstances warrant.

Adequacy/appropriateness of existing payment standard levels will consider:

1. The percentage of annual income families pay for rent under the voucher program (rent burdens);
2. Program utilization rates;
3. Rents for units currently leased;
4. Size and quality of units leased under the program;
5. Rental vacancy rates and rents in the market area; and
6. Success rates of voucher holders in finding units.

If it is determined that existing payment standard levels present an obstacle to achieving favorable success and/or utilization rates, reasonable rent burdens or that families are generally renting low quality units, HCR may, within the basic range, raise the payment standard to a higher level. LAs will be responsible for initiating this process by providing HCR with analyses
that document the nature of the problem and recommend specific payment standard levels that will alleviate these hardships.

HCR, either acting alone or on the advice of an LA, may also reduce a payment standard for a specific bedroom size or all bedroom sizes if analysis shows that a significant percentage of leased units of moderate to high quality have rents that are substantially below the payment standard level.

Before increasing any payment standard, HCR will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

16.03 Reasonable Accommodation

HCR Section 8 Local Administrators are authorized to grant exception payment standards between 90% and 120% of the Fair Market Rent (FMR) in instances where a higher standard is necessary to provide reasonable accommodation for a family member with disabilities. This policy applies to cases where the HCR Local Administrator approves higher payment standards only in cases involving disabilities in conformity with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and other applicable Federal and State human rights laws.

When a Local Administrator plans to increase the payment standard on behalf of a tenant in this category, the following procedures must be implemented:

1. The tenant must submit documentation to the LA verifying that the household member is in fact disabled. While a "diagnosis" is not required, there should be documentation in the file that provides substantiation of and is directly related to the person’s disability. Proof of the disability and/or the disability-related need for the accommodation may be requested unless the disability and need are obvious or otherwise known. The LA must place a memo into the file documenting the amount of the increase and the justification of the use of a higher rent/payment standard.

2. Once the LA has obtained documentation that verifies the tenant’s disability and connection to the accommodation, the LA should notify his/her Statewide Section 8 Program Representative. The letter should indicate that the LA has increased the payment standard to the specified percentage, and state the month/date in which the increase will take effect. The Program Representative will maintain a copy for their file.

Payment standards above 120% for disabled participants require HUD’s approval. When submitting exception payment standard requests in this range, the following procedures must be implemented:

1. Submit a written request to your SS8 Program Representative outlining your justification for this request. The submission should include:
i. A specific statement that you have reviewed and enclosed all pertinent information and that you support this request.

ii. Documentation verifying that the approved gross rent is reasonable, in relation to unassisted units within and outside of, the building or development in question.

After reviewing your request, the Program Representative will forward the request to the local HUD Field Office for final approval. The Program Representative will notify the LA of HUD’s response.
Section 17.0 OWNER RENTS AND RENT REASONABLENESS

17.01 Rent to Owner in the Housing Choice Voucher Program

The allowable rent to owner is limited primarily by rent reasonableness. However, if the proposed gross rent for a unit is above the payment standard, the impact this will have on a family’s maximum allowed rent burden also becomes a factor. At the time a family initially receives Housing Choice Voucher (HCV) assistance, whether a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income when the gross rent for the unit exceeds the applicable payment standard for the family.

All owners will be advised that by accepting each monthly housing assistance payment they are certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the same premises. If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere.

17.02 Rent Proration

When initiating voucher assistance, the general standard is to begin assistance on either the 1st or the 15th of the month. However, Local Administrators are authorized to initiate assistance on any day of the month in circumstances when a landlord is unwilling to hold a unit until the 1st or the 15th and the voucher holder would thereby lose access to the unit.

In such cases, assistance for the initial month is to be prorated based on the number of days under HAP contract for that specific month (example, a unit rented on July 13th would be prorated based on 19 days). Prorated assistance is calculated by dividing the 19 days by the number of days in the month (31); in this case, multiplied by the full rent for the month.

To ensure that all leases are for a minimum of 12 months, the lease for the unit would be 12 months plus the additional days in the month being prorated.

17.03 Rent Reasonableness Determinations

The LA will not approve an initial rent or a rent increase in the HCV program without determining that the rent amount is reasonable with respect to rents for comparable unassisted units in the market area.

Reasonableness is determined prior to the initial lease and in the following circumstances:

- Before an increase in rent to owner is approved;

- If 60 days before the contract anniversary date, there is a 10 percent decrease in the published Fair Market Rent (FMR) as compared to the previous FMR; and

- If the LA, HCR or HUD directs that reasonableness be redetermined.
As part of the overall Section 8 Housing Choice Voucher System (SHCVS), HCR has developed an automated database for analyzing and determining rent reasonableness on an individual unit basis. Data for unassisted units has been gathered from contacts via newspaper classified listings, realtors, professional associations, direct inquiries of owners, market surveys, local tax assessors, waiting list queries and other available sources. In order to ensure uniformity and consistency, the rent reasonableness system establishes standard criteria for all units entered in the database. Unit rents within any/all defined housing market areas are individually identified and segregated and are compared to similar units within the same market area.

The following criteria are included in the system database:

- size (number of bedrooms);
- location;
- general quality;
- amenities (bathrooms, dishwasher, air conditioning, etc.);
- services;
- age of unit;
- unit type;
- maintenance; and
- utilities.

17.04 Rent Reasonableness Methodology

The HCR/LA rent reasonableness system is based on unit comparison per the criteria listed above. The system uses a non-weighted total point count determined by summing the responses to questions about each criterion.

Based on the number of points derived for each unit, the automated rent reasonableness system then displays low, average and high rents for units of similar size and type within the same market area.

While LAs are always encouraged to obtain multiple (three or more) comparables for each proposed unit, HCR currently requires a minimum of two comparable units in order for the unit to pass the rent reasonableness test.

Information on unassisted units is maintained in the automated database and is updated or purged when that data is more than 12 months old.
Section 18.0 SPECIAL HOUSING TYPES

The Statewide Section 8 Voucher Program will only approve one of the following special housing types when it is necessary to provide a reasonable accommodation for a family with disabilities:

- Congregate housing;
- Group homes;
- Shared housing;
- Assisted living facilities; and
- Single room occupancy housing.

The Statewide Section 8 Voucher Program will approve other HUD-permitted housing types including:

- Single family dwellings;
- Apartments;
- Manufactured housing; and
- Manufactured home space rentals.
Section 19.0 PARTICIPANT PAYMENTS FOR AMOUNTS OWED THE PHA

LAs assume all day-to-day responsibility for enforcing the requirements of this section and for ensuring that monies are paid directly by the program participant or owner to the bank lockbox. LAs are not permitted to receive funds on behalf of the participants and owners and must notify HCR immediately on any funds received. HCR will guide the LA on the procedure to assure the receipt of the funds and submission of all necessary documentation.

A participant is responsible for reporting all changes in income and household composition to the LA within two weeks of the date of such change. If a participant fails to report these changes an overpayment of Housing Assistance Payments (HAP) may occur. The participant is responsible for repaying any amount overpaid on his/her behalf to the Statewide Section 8 Voucher Program.

In such cases the LA is responsible for making every effort to recoup any overpayment of HAP, and may only proceed to termination of assistance after considering the seriousness of the case, such as:

- whether or not there was a prior similar violation;
- the participant used false names or social security numbers, or
- falsified, forged or altered documents.

The LA may also consider the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or inaction (see Section 14.01 of this Administrative Plan). The analysis of all these factors must be documented in writing before proceeding to termination for any first time offender.

Participant obligations of this nature may be satisfied by either paying the full amount due immediately upon request of the LA, or through a repayment agreement approved by the LA.

The length of a repayment agreement cannot exceed 36 months. The specific term will be determined according to the amount owed. If the participant is not current on a repayment agreement, the family will not be issued a voucher to move to a new unit. If the family has a repayment agreement in place and incurs an additional debt to the LA, the additional debt must be paid in full within 30 days.

A participant will be considered in default if they miss two consecutive payments or are behind on more than two payments aggregately. In such circumstances, the family must pay the total outstanding balance or their participation will be terminated.
An applicant owing money may apply to the program and remain on the waiting list until his/her time of selection. If it is determined, based on information in HUD’s Enterprise Income Verification (EIV) System that an applicant still owes money to a PHA or a Section 8 landlord when he/she is contacted for selection, assistance may be denied subject to resolution of the reported outstanding debt. Refer to HUD’s January 28, 2010 EIV Training Webcast: Refinement of Income and Rent Rule, and Form HUD-52675 (Debts Owed to Public Housing).

19.01 - Fraud Versus Participant Errors/Omissions

The guidance in 24 CFR 792 regulations defines fraud, encourages PHAs to pursue instances of it and provides information on PHA compensation for efforts involved in initiating or sustaining an action to recover excess subsidy payments.

Section 792.101 (Purpose) states that the purpose is to cover “tenants and owner fraud and abuse in the operation of the Section 8 housing assistance payments programs.” Similarly, Section 792.102 (Applicability) states that “This part applies only to this instances when a tenant or owner committed fraud, and the fraud recoveries are obtained through litigation brought by the PHA (including settlement of the lawsuit), a court-ordered restitution pursuant to a criminal proceeding, or an administrative repayment agreement with the family or owner as a result of a PHA administrative grievance procedure pursuant to, or incorporating the requirements of 982.555 of this title. Finally, in 792.103 (Definitions), fraud and abuse are defined as follows: Fraud and abuse means a single act or pattern of actions…that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

In some instances involving excess subsidy, general participant errors and omissions are the leading cause of excess subsidy payments. However, once a determination is made that excess subsidy has been paid, every effort must be made to recover that excess.

19.02 Repayment Agreements – General

A participant’s obligation of this nature may be satisfied by either paying the full amount due immediately upon the LA’s request or through a repayment agreement approved by the LA. A repayment agreement between the LA and a participant is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the LA upon default of the agreement.

The repayment agreement must contain the following provisions:

1. The terms of the agreement may be renegotiated if there is a decrease or increase in the family’s income, or;

2. A change in income cycle (i.e.; weekly to bi-weekly or bi-monthly, and vice versa).
3. The monthly repayment amount is in addition to the family’s regular rent contribution.

LAs will **not** enter into additional repayment agreements if:

- the participant already has an agreement in force;
- the LA determines that the family has committed additional program fraud during the term of the repayment agreement.

There is no maximum dollar amount for considering whether or not the LA will enter into a repayment agreement.

Although the LA is authorized to enter into a repayment agreement of up to 36 months, the maximum term should not be automatically granted. Each family should be evaluated on a case-by-case basis. The term of the agreement may range from one (1) to thirty-six (36) months depending on the family’s income and the amount owed. Repayment options include lump sum payments, monthly installments, or a combination of both. If a family can document a hardship, the LA should contact their program rep for guidance.

If a participant refuses to enter into a repayment agreement or defaults on an existing agreement, the participant must be terminated from the program and collection/enforcement actions should be pursued. Any remaining debts owed must be promptly entered into the EIV Debts Owed to PHA Module. The LA should contact their Program Representative for further guidance.

**Repayment Schedule**

Following is the schedule for repayment amounts and maximum terms.

<table>
<thead>
<tr>
<th>Amount Due</th>
<th>Maximum Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>$600 or Less</td>
<td>6 Months</td>
</tr>
<tr>
<td>$601 - $1,200</td>
<td>12 Months</td>
</tr>
<tr>
<td>$1,201 - $1,800</td>
<td>18 Months</td>
</tr>
<tr>
<td>$1,801 - $2,400</td>
<td>24 Months</td>
</tr>
<tr>
<td>$2,401 – or More</td>
<td>36 Months</td>
</tr>
</tbody>
</table>

**19.03 - Determining Participant Monthly Repayment Amounts**

When establishing the amount of monthly repayment for a participant, LAs must reasonably consider affordability or the participant’s ability to pay the repayment amount plus their normal monthly obligation for rent and utilities may be at risk. Accordingly, LAs must take the following steps:

- From the HUD Form 50058, establish the dollar amount of the participant’s “Total Family Share” Total Family Share is the amount of rent the participant pays to the owner (tenant rent) plus any applicable utility allowance.
- Determine the dollar amount of 40% of the participant’s monthly adjusted income.
Subtract the Total Family Share amount from the dollar amount for 40% of the participant’s monthly adjusted income. The resulting amount can generally be considered as the “affordability” benchmark.

- Based on the above table for Repayment Agreement terms, determine if the dollar amount in (3) would allow the participant to repay the amount due within the maximum term. If not, determine the number of months needed to satisfy the amount due. Repayment agreement terms may be adjusted to consider affordability up to the overall maximum 36 months allowed in HTFC’s repayment policy.

Using these factors, if the repayment agreement cannot be satisfied with the maximum term allowed, the LA may not enter in a repayment agreement and the participant’s case will be terminated.

19.04 - Compensation for Executed Repayment Agreements

Under HUD’s established process for collecting fraud-based recoveries, monies recovered are returned to the PHA’s HAP account and collection fees are paid out of that same account. Our goal is to continue encouraging LAs to collect excess subsidy and enact a reasonable means of providing compensation for those efforts. To meet that goal, we have decoupled the recoupment of excess subsidy from this process for compensating LAs. Under this process, all repayments collected will remain in the HAP account.

LA compensation will be based on a per-agreement flat fee that will be paid to defray costs of establishing and monitoring each executed repayment agreement. The fee will be paid when all excess subsidy has been collected per the terms, a request for reimbursement is submitted within 90 days from the date of closure of the repayment agreement and formal authorization has been provided by NYS HCR staff to make the specified fee adjustment. When the participant completes payment due under the repayment agreement, fees will be paid according to the following schedule:

<table>
<thead>
<tr>
<th>REPAYMENT AGREEMENT</th>
<th>LA FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000 or less</td>
<td>50% amount collected</td>
</tr>
<tr>
<td>$1,001 - $2,000</td>
<td>Lesser of 50% amount collected or $750</td>
</tr>
<tr>
<td>$2,001 or More</td>
<td>Lesser of 40% amount collected or $5000</td>
</tr>
</tbody>
</table>

19.05 - Additional Actions When Potential Fraud/Abuse is Observed

The compensation method for repayment agreements is not intended to block LAs from initiating litigation or taking other actions when egregious fraud or abuse is observed. If or when LAs become aware of potentially serious program abuse, LAs are encouraged to review, investigate and act on such cases. As determined necessary by LAs, law enforcement and/or local District Attorney offices may be contacted for advice, counsel and assistance.

If matters are observed to be serious enough to pursue criminal charges, local District Attorney offices should be contacted to determine their interest and willingness to take on the case. If the local D.A. does
not indicate willingness to be involved, the LA should then contact HTFC to determine if the NYS State Attorney General’s Office will take the case. In addition, in those limited instances where the abuse potentially involves a significant amount of program funds, HTFC may determine that the HUD Inspector General’s office will be contacted.

19.06 Late Payments

A payment under a participant repayment agreement will be considered in arrears if payment has not been received by the LA within 5 business days of the due date.

Payment is due by the close of business on the due date. If the due date is on a weekend or holiday, the due date will be at the close of the next business day. If a participant’s repayment agreement is in arrears and the participant has not contacted or made arrangements with the LA, the LA will require the participant to pay the balance in full within 30 days. If the participant subsequently fails to pay the full amount due within the 30 days, the participant will be terminated from the program.

If a family who has an outstanding balance on an existing repayment agreement requests to port to another jurisdiction (another LA or PHA), the outstanding balance must be paid in full before the family will be permitted to port.

19.07 Minimum Rents

HCR has a minimum rent policy of $50 for all participants in the Statewide Section 8 Voucher Program. Adjustments to rent shares for affected families are to be implemented immediately at the next annual review or interim recertification, whichever comes first.

Refer to Section 21.06 for guidance on the Minimum Rent Hardship Exemption.
Section 20.0 UTILIZING THE ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

Use of the HUD EIV System is mandatory for PHAs. The LA will use the EIV system to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes. In order to identify any discrepancies, the LA will use EIV wage/benefit data in conjunction with third party income verification documents received during the annual and interim recertification processes. If there are discrepancies in the amount of income, or if the income is outdated, the LA will use the most accurate and reliable source of income verification.

The data contained and provided by the EIV system will be protected by the LA and should only be used for official program purposes. Data will not be disclosed to anyone in any manner that would violate the privacy of the individuals represented.

The LA must adhere to EIV security awareness measures to ensure that only authorized system users may access the EIV system in order to maintain overall privacy and security compliance.

The LA must use the EIV system to verify household income on such sources as Social Security, Social Security Disability, SSI, wages and unemployment compensation for each family member. The LA must use the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 which is maintained in the HUD Public and Indian Housing Information Center (PIC) System database.

20.01 Demonstrating Compliance with Mandatory Use of EIV

In accordance with 24 CFR §5.233(a)(2)(i), LAs must demonstrate compliance with mandated use of EIV by doing the following:

A. For each new admission:
   a) review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;
   b) print and maintain a copy of the EIV Income Report in the tenant file; and
   c) resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

B. For each historical adjustment (action type 14):
   a) review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;
b) print and maintain a copy of the EIV Income Report in the tenant file; and

c) resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

C. For each interim reexamination (action type 3):

a) maintain in the tenant file, a copy of the ICN Page when there is no household income discrepancy noted on the household’s Income Discrepancy Report tab or Income Discrepancy Report. (LAs have the discretion to print the EIV Income report; however, only the ICN page is required.)

b) maintain in the tenant file, a copy of the EIV Income Report when there is an income discrepancy noted on the household’s Income Discrepancy Report tab or Income Discrepancy Report.

D. For each annual reexamination where the tenant does not dispute EIV information, the LA must:

a) maintain the EIV Income Report, current acceptable tenant-provided documentation and, if necessary (as determined by the LA), traditional third party verification form(s).

E. For each annual reexamination where the tenant disputes EIV information, the LA must:

a) maintain the EIV Income report, current acceptable tenant-provided documentation, and/or traditional third party verification form(s)

F. Where the Tenant-reported income is not verifiable through EIV system, the LA must:

a) maintain current tenant-provided documents and, if necessary, traditional third party verification form(s).

20.01.01 Debts Owed to PHAs & Termination Module

HUD has established a national data base to serve as a repository for debt and termination information on former program participants. It is now mandatory that each local program designate at least one staff person whose responsibility it is to enter information into this Debt Termination Data Base (DTDB).

The designated staff must obtain prior approval from HUD, before the system will allow them to enter information into the DTDB. Prior approval from HUD can
only be obtained by submitting an EIV Access Authorization form to HCR’s EIV Coordinator, requesting user access role *Program Administrator – Voucher Section 8*).

### 20.01.02 Policy Governing DTDB Entries

The following practices must be adhered to when entering debt/termination information into DTDB:

1) Debt/Termination information must not be entered into DTDB until an End Of Participation (EOP) action has been entered in PIC for the former participant.

2) Debt/termination information must be entered within 60 days from the EOP date.

3) Debt/termination information will be maintained in DTDB only up to a period of 10 years or the statute of limitations where the debt occurred.

4) Families who have never, or no longer, warrant being in the data base must be removed following HUD guidelines under *Debts Owed to PHAs and Termination information*.

5) Local programs may modify a tenant record only 3 times.

6) Debts should not be modified as payments are being made. The debt is to be removed only after being paid in full.

### 20.01.03 Screening Families Through EIVs’ “Former Tenant Search” Module

Procedures governing use of the EIV “Former Tenant Search” module must include the following:

1) Prior to admission, local programs should query each adult household member’s SSN to determine if a PHA has reported a debt or adverse termination;

2) Former participants who owe debts to a PHA may not be admitted to the program until the debt is paid in full to the PHA that is owed the outstanding amount;

3) Adverse Terminations should be denied assistance in accordance with PHA or HUD policy; and
4) Families denied assistance due to information in DTDB must be provided with a copy of the Debts Owed & Termination report, and as with other denials, offered an informal review.

20.01.4 Mandatory Monitoring of EIV Reports

LAs are required to monitor the following EIV reports on a monthly basis:

1. Deceased Tenants Report
2. Identity Verification Report
3. Immigration Report

LAs are required to monitor the following EIV reports on a quarterly basis:

1. Income Discrepancy Report
2. Multiple Subsidy Report
3. New Hires Report

20.02 Income Discrepancy Resolutions

When the EIV income data differs from the participant-provided income data by at least $200.00 per month, this constitutes a “substantial difference.”

In cases where the EIV income data is NOT substantially different than tenant-reported income, the LA will:

- use participant documents or third party income verification to calculate anticipated annual income if the EIV income is less than current participant-provided documentation; or

- use EIV income data unless the participant provides documentation of a change in circumstances when the EIV data is more than the current participant-provided documentation. If acceptable participant documentation is provided to justify a change in circumstances, the participant documents will be used to calculate income.

In cases where EIV income is substantially different than the participant-reported income, the LA must:

- Request written third-party verification from the income source in accordance with 24 CFR 5.236(3) (i).

- Review historical income data for patterns of employment, paid benefits, and/or receipt of other income when the LA cannot readily anticipate income such as in the cases of seasonal employment, unstable working hours and suspected fraud.
• Analyze all data and attempt to resolve the income discrepancy.

• Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

Section 20.03  EIV Security Measures

20.03.01  Handling of Discrepancy Reports

The LA must handle EIV discrepancy reports in the following manner:

• If a participant disagrees with the discrepancy report issued by the EIV system, a meeting will be scheduled by the LA with the participant to resolve the dispute. All details of the discrepancy report must be documented and the participant will have 15 business days from the date of the meeting to obtain third-party verification of the discrepancy and submit supporting documentation to the LA. All participant-provided information and submitted documentation should be dated not more than 60 days prior to the initial resolution meeting. Once the information is received from the participant, the LA will review and make a final decision within ten business days from the date that the information was received from the participant.

• If a situation arises where facts indicate that a participant has not reported or has under-reported income, a repayment agreement will be executed between the participant and the LA. A revision to the current and future participant’s share must also be made. If a participant refuses to enter into a repayment agreement and/or refuses to pay the newly calculated rent, termination of assistance will occur using the established policies and procedures in accordance with HCR’s Section 8 Administrative Plan.

20.03.02  Records Retention

During the term of the assisted tenancy and for three years thereafter, the LA must retain the documents in the participant’s file. EIV information must be destroyed three years from the End of Participation (EOP) unless there is pending litigation.

20.03.03  Disposal of Applicant and Participant Records

All EIV documents must be destroyed at the end of the three-year retention period. They should be destroyed in a manner that would not compromise the confidentiality of the applicants and/or participants. The preferred method for destroying documents is by shredding.
20.03.04  EIV Security Monitor

Each local program must designate someone as the agency’s “EIV Security Monitor.” The agency’s EIV Security Monitor will be responsible for ensuring that the minimal EIV security procedures outlined in this document are adhered to.

The local EIV security monitor or other designated personnel must give written notification to the HCR-designated EIV Security Officer when:

- a staff member associated with EIV information is no longer employed with the agency, or
- a staff member who previously had access rights to the EIV system no longer has such rights.

20.03.05 Storage of EIV Documents

As an added security measure, on an annual basis the HCR EIV security officer will mail to each local program a listing of local program staff members who have HCR approved access to EIV wage/benefit data. The local security monitor or other designated staff must review this list and immediately notify the HCR EIV security officer in writing of any names that should be deleted from the list.

Each LA must maintain a lockable container, file cabinet, or room to store EIV documents that are:

- outdated and are destined to be destroyed; or
- printed but not yet placed in the participants’ files.

Caution should be taken to prevent the combining of each of the above types of documents. HCR recommends that the LA keep each type in separate folders within the lockable receptacle.

20.03.06 Key Control Form

Each local program must utilize the Key Control Form provided by HCR to document:

- the number of keys issued for the lockable container, file cabinet or room;
- the names of program staff who are in possession of these keys; and
a change in the number of keys available or a change in the identity of the staff in possession of the key.

20.03.07  EIV Security Awareness Training

Applicants requesting EIV access must satisfy the required annual EIV Security Awareness Training before they can be approved for EIV access. In order to satisfy this requirement, an applicant must meet the following two conditions:

a) Applicants must watch the most recent HUD, EIV Security Awareness Training Webcast.

b) Applicants must confirm that they have watched the above mentioned webcast by signing the applicable HCR issued EIV Webcast Training Certification form, and submitting it to the HCR EIV Coordinator.

Note: A signed, HCR issued EIV Webcast Training Certification form is the only document needed for confirmation that applicants have completed their training. It is not necessary to obtain a HUD issued “Certificate of Completion.”

20.03.08  Breach of EIV Security Policy

Any breach of the EIV security policy should be immediately reported to the designated HCR Security Officer.
Section 21.0 RECERTIFICATIONS

Unless otherwise indicated, the provisions of this section shall apply to all certifications.

21.01 Interim Recertifications

Families are required to report all changes in income and family composition to the LA within two weeks of the date of such change. Families that report a change in income or family composition will be advised by the LA to forward written documentation. During an interim reexamination only information affected by the changes being reported will be reviewed and verified.

Upon receiving any requested documentation from the family, the LA will either process at the next annual recertification or conduct an interim recertification in the following circumstances only:

- A request by a participant which results in a decrease in tenant rent;
- An increase in yearly household income which would result in a monthly increase in participant rent share;
- An increase in family/household composition;
- An error/omission by the LA resulting in an increase in voucher size;
- Any increase or decrease in the tenant rent as a result of the scenarios above

In order to add a household member the family must request that the new member be added to the lease. The new household member must first be approved by the landlord. Before adding the new member to the lease, the individual and participant head of household must undergo a recertification and document the income, assets, and all other information normally required of applicants and participants.

The individual to be added to the household must also provide his/her Social Security number (if he/she has one) and must verify his/her citizenship/eligible immigrant status.

The family's revised annual income will be recalculated taking into account the income and circumstances of the new family member.

NOTE: Housing assistance will only be delayed if caused by family action or inaction.

21.02 Effective Date of Changes for Interim Recertifications

The LA will give 30 day-notice of any rent increase to the family. If notice of an increase in rent is delayed due to a reason beyond the control of the family, the rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of
the amount. If a participant family has caused the delay, the increase will be effective on the date the LA would have been otherwise able to issue the notice if the family had not caused the delay.

Reductions in participant’s rent share will be processed as follows:

a) If a participant submits required documentation of the decrease in income within 10 business days of the date the change occurred, the change in participant rent share will be effective the first of the month following the date the income change occurred.

In cases where required documentation is submitted within 10 business days of the decrease in income but the LA has already submitted their payment schedule for that month, the LA will retroactively reduce the participant rent share effective the first of the month following the date the income change occurred.

b) If a participant does not submit required documentation of the decrease in income within 10 business days of the date the change occurred, the change in participant rent share will be effective the first of the month following the date the decrease in income is received by the LA.

21.03 Annual Recertifications

Except as an identified household in 21.03.01, an annual recertification must be completed for each Section 8 family. The recertification must be completed on or prior to the date of the previous year’s recertification.

The information used for reexamination must be current (within 120 days) of the effective date of the recertification. The family should be given a minimum of 90 days, but not more than 120 days, written notice prior to the anniversary date of the recertification.

The LA may require the participant(s) to visit the Section 8 office for the purpose of conducting the recertification. However, as a reasonable accommodation, the LA may conduct a home visit for the purpose of completing the annual recertification, if the participant is homebound and/or disabled.

The initial recertification notice must inform the family of the required documents and the deadline (or the date to appear in the Section 8 office for the reexamination) for submitting all required documents and requested information.

If the family fails to respond to the initial/first notice, a second notice must be sent to the family informing them that they have failed to submit the required information for recertification. A second request must be sent to the family. If the family does not respond to the second request by the deadline indicated by the LA, the LA will send the participant and landlord a notice that the LA intends to terminate assistance, and the LA will include copies of the first and second requests.
If the family fails to respond to the second notice a termination notice must be mailed to the family. A letter must also be sent to the owner informing him/her on the participant’s termination from the program. The letter must state the date of the final Housing Assistance Payment. In addition, the letter must advise the owner that the tenant will be responsible for the total contract rent upon termination of the HAP contract.

21.03.01 Triennial Recertifications for Fixed Income Households

Effective March 12, 2018, HUD implemented the Streamlining Administration Regulations Interim Final Rule (or FAST Act) on how a PHA may elect to calculate income from fixed sources every three years.

Implementation is voluntary. Notification to HCR, however, is required by any LA prior to establishing and/or terminating implementation of the streamlining process.

Under this interim final rule, there are two scenarios:

1) if 90% or more of a family’s total household income is derived from fixed income sources, the first year a full income review must be conducted. If the source of the family’s total household income remains at or above 90% fixed, during the next two years the LA may determine all of the family’s household income by using a verified COLA or rate of interest on the individual sources of fixed income.

2) For families with at least one source of fixed income, but for which less than 90 percent of the family’s income is from fixed sources, the LA may follow the procedure noted above to calculate only the fixed income source(s) but must still verify and adjust any and all non-fixed sources annually.

In either case, an LA voluntarily implementing this rule must still undertake a full recertification every 3 years. Implementation of this streamlining does not waive the requirement to obtain a family’s certification and verify all the information submitted for income verification, including the sources of income, is accurate. All files associated with the streamlining option must be documented accordingly.

Per HUD PIH Notice 2016-05, the term “fixed-income” includes income from:

- Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
- Federal, state, local, and private pension plans; and
- Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.
21.04 Verification Guidance and Public Assistance Income Calculations

HUD regulations stipulate in 24 CFR Part 5.609 (b) (6) that welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) be included in annual income only to the extent that such payments:

- qualify as assistance under the TANF program as defined in 45 CFR 260.31; and
- are not otherwise excluded from income under 24 CFR 5.609 (c).

If the welfare assistance payments include an amount specifically designated for shelter and utilities, the amount of welfare assistance income to be included as income should consist of:

- the amount of the allowance or grant exclusive of the amount specifically designated for shelter and utilities;
- the maximum amount of welfare assistance the agency could in fact allow the family for shelter and utilities; or
- the prorated amount as determined by the Department of Social Services (DSS) for families receiving SSI income.

21.05 Zero Income Families

“Zero-Income circumstances are very unusual and require extra steps to validate. This can be better accomplished in a face-to-face meeting.

Therefore, when a family reports zero income to the LA, the LA must conduct an in-office interim recertification at least every 90 days or at such earlier intervals as may be determined necessary by the LA. The purpose of the interim recertification is to verify the family’s expenses, and to have the family provide an explanation of how their expenses are being paid. Any regular contributions received by the family from outside sources must be considered as household income. In addition, the family must complete HCR’s “Zero Income Worksheet” Form on a quarterly basis. For further guidance on this topic, see the HUD Public Housing Occupancy Guidebook (published June 2003).

21.06 Minimum Rent Hardship Exemption

The LA must advise a family who is paying the minimum rent of their right to request an exemption of the minimum rent payment. If the family requests the exemption the LA must suspend the minimum rent and adjust the HAP payment effective on the first of the month following the change in the family’s circumstances. The LA must request documentation to substantiate the hardship, and must promptly determine if the hardship is temporary or long term.
If the LA determines the financial hardship to be temporary (90 days or less), the minimum rent must be suspended for a period of 90 days from the date of the family’s request. At the end of the 90-day period, the minimum rent must be reinstated retroactive to the date of suspension. If the amount the family owes as a result of the suspension of the minimum rent exceeds the family’s ability to pay in one lump sum, the LA must offer the family a repayment plan.

Financial hardship includes the following circumstances:

- a family has lost eligibility for or is awaiting an eligibility determination for a government assistance program;
- a family would be evicted because it is unable to pay the minimum rent;
- the income of the family has decreased because of changed circumstances including loss of employment;
- a death has occurred in the family; or
- other circumstances determined by the PHA or HUD.

The LA must conduct an in office interim recertification every 90 days for a family that is receiving a minimum rent hardship exemption. The purpose of the interim recertification is to verify the family’s expenses, and to have the family provide an explanation of how their monthly expenses are being paid. Any regular contributions received by the family from outside sources must be considered as household income. In addition, the family must complete the HCR’s “Zero Income Worksheet” Form.
Section 22.0  RESTRICTIONS ON MOVES BY A PARTICIPANT FAMILY

During the initial 12 months of assisted occupancy, families who resided in the LA’s jurisdiction prior to admission and wish to move within the same LA jurisdiction will be allowed to move only under the following conditions:

- The LA has terminated the Housing Assistance Payment (HAP) contract due to an owner’s breach of responsibility (i.e. failure to correct Housing Quality Standards (HQS) violations); or
- The owner and family have agreed to mutual rescission of the lease;

**NOTE:** This provision may only be utilized once within any 12-month period by a participant and owner.

If a family lives in one LA jurisdiction and applies to the waiting list of another LA, the family will be required to utilize the assistance for 12 months in the jurisdiction of the LA where they are being admitted. (See also Section 1.0 “Selection and Admission Policies.”)

Families will **not** be permitted to move more than once in a 12-month period unless the LA approves the move based on a documented reason over which the participant has no control (i.e. owner’s failure to correct HQS violations).

As allowed by program regulations, families will **not** be permitted to move outside the LA's jurisdiction under portability provisions during the initial 12 months of assisted occupancy.

The LA may deny permission to move if:

- the family has violated a family obligation;
- the family owes the LA money; or
- the family has moved or was issued a voucher within the last 12 months.

Families are required to give proper written 30-day notice of intent to terminate the lease. During the initial term families may not end the lease unless the family and the owner mutually agree to end the lease and submit in writing to the LA a statement signed by the owner and tenant that the lease is being mutually terminated and the effective date of the termination. If the family moves from the unit before the initial term of the lease ends without the owner’s and the LA’s approval, it will be considered a serious lease violation and may subject the family to termination from the program.

The family is required to give the LA a copy of the notice to terminate the lease at the same time it gives the notice to the landlord. A family’s failure to provide a copy of the lease termination notice to the LA will be considered a violation of family obligations and will cause the family to be
terminated from the program. The family will be ineligible for assistance until three years have elapsed from the date of termination.
Section 23.0 HOUSING QUALITY STANDARDS (HQS) INSPECTION POLICIES

Housing Quality Standards (HQS) are minimum standards for tenant-based programs and are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and Housing Assistance Payments (HAP) contract.

The LA will inspect each unit under contract at least annually.

The LA will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by the Section 8 Management Assessment Program (SEMAP) annually to maintain the LA’s required standards and to assure consistency in the LA’s program. In addition, the LA must engage a third party HQS inspector for LA owned and LA managed units in order to avoid the appearance of a conflict of interest.

This section describes LA procedures for performing HQS and other types of inspections and LA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family and the consequences of non-compliance with HQS requirements for both families and owners.

23.01 Requirements and Guidelines for Inspections

When a Request for Tenancy Approval (RTA) is submitted, the unit being offered must be available for inspection no later than 60 days from the date of RTA submission.

The LA will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Program unless HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if units meet HQS.

The LA must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by mail or by phone. If the owner and/or family can not be at home for the scheduled inspection appointment, the owner or family must make arrangements to enable the LA to enter the unit and complete the inspection.

If the owner or family misses the scheduled inspection and fails to reschedule the inspection, the LA will only schedule one more inspection. If the family misses two inspections, the LA may consider the family to have violated a Family Obligation and may terminate their assistance.
HQS will be the minimum requirement for approving units proposed for Section 8 Housing Choice Voucher (HCV) assistance. Although the LA is not required to enforce standards set forth in the New York State Building/Housing Codes and/or the other building/housing codes in any areas within the local LA’s jurisdiction, LAs will cooperate, to the greatest extent possible, with local code enforcement officials to obtain uniformity of inspections.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The LA will not promote any additional acceptability criteria which are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be in service prior to the HQS inspection. If the utilities are not in service at the time of inspection, the inspector will notify the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval) to have the utilities turned on. Either the inspector will schedule a reinspection or the owner and tenant will both certify that the utilities are on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the LA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. Although not required, the LA may conduct a reinspection if deemed necessary by the LA.

Following are the types of inspections the LA will perform:

1. **Initial**: An inspection that must take place to ensure that the unit passes HQS before assistance can begin; this inspection is conducted upon receipt of Request for Tenancy Approval;

2. **Annual**: An inspection to determine that the unit continues to meet HQS; this inspection must be conducted within 12 months of the last annual inspection;

3. **Complaint**: An inspection caused by the authority receiving a complaint from any source regarding the unit by anyone;

4. **Special**: An inspection requested by a third party (i.e., HUD request);

5. **Emergency**: an inspection that takes place in the event of a perceived emergency; these will take precedence over all other inspections; and

6. **Supervisory**: Quality control inspections on units under lease during any specific LA fiscal year.
23.02 Initial HQS Inspections

If the LA has up to 1250 units:

The LA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 15 days after the family and the owner have submitted a request for approval of tenancy.

If the LA has more than 1250 units:

The LA will inspect the unit, determine whether the unit satisfies HQS and notify the family and owner of the determination within 30 days after the family and the owner have submitted a request for approval of tenancy.

The LA will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

The LA will periodically review the average time required for a family and owner to have a unit inspected from the time the RTA is submitted by the family and owner to the LA.

The initial inspection will be conducted to:

- determine if the unit and property meet HQS as defined in this Plan;
- document the current condition of the unit to assist in future evaluations whether the condition of the unit exceeds normal wear and tear; and
- document the information to be used for determination of rent reasonableness.

If the unit fails the initial HQS inspection, the family and owner will be advised to notify the LA once repairs are completed.

23.03 Annual HQS Inspections

The LA will conduct HQS inspections within 12 months of the last annual inspection. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a deficiency for which the tenant is responsible.

The owner and/or family must allow the LA to inspect the unit at reasonable times with reasonable notice.
Inspections will be conducted on business days only during normal business hours of the LA. Weekend inspections may be conducted under extenuating circumstances at the LA’s discretion. The LA will provide the family with as much notice possible when scheduling the inspection.

If the owner or family is unable to be present at the inspection, he/she must reschedule the appointment within five business days.

If the family or their designee misses an inspection appointment and does not contact the LA to reschedule the inspection, or if the family misses two scheduled inspection appointments, the LA will consider the family to have violated a family obligation and the family’s assistance will be terminated in accordance with the termination procedures in this Plan.

23.04 Verification of HQS Deficiencies

The LA may elect to do a reinspection to comply with 24 CFR 982.404 (a) (3) to verify that all HQS deficiencies have been corrected. A reinspection is not necessary if the LA can obtain verification by other means.

Other than in the case of life threatening deficiencies an LA may accept an owner’s and/or family’s written certification that the deficiencies have been corrected.

When the deficiencies are the responsibility of the family, the owner or a representative of the owner must also certify that the deficiencies have been corrected.

When the deficiencies are the responsibility of the owner, the family must also certify that the deficiencies have been corrected.

Verification that repairs were completed may be made at the next on-site inspection.

The LA should base the verification process on the severity of corrections to be made and/or the LA’s experience with the owner and property.

23.05 Reinspections

If an on-site reinspection is required and the family and/or owner is not at home for the reinspection appointment, the LA will leave a notice at the unit verifying the inspector’s attempt to conduct the inspection.

The LA will schedule a reinspection of the unit. A notice of the reinspection will be provided to the owner and the family. The notice may contain a warning that payments will be abated (in the case of owner’s responsibility), or a warning of intent to terminate (in the case of family’s responsibility).
23.06 Notification of HQS Failures

When a unit fails HQS inspection, the LA must notify the owner in writing of the amount of time that will be allowed to correct any items noted as fail. The amount of time allowed will be determined by the LA based on the time standards described in Section 23.07.

If the time period allowed to correct the repairs has elapsed and the LA has not granted an extension of time, the family must select another unit for assistance.

23.07 Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See “Emergency Repair Items,” Section 23.13.)

For non-emergency items, repairs must be made within 30 days.

For major repairs, the LA may approve an extension beyond 30 days.

23.08 Rent Increases

Rent increases to an owner must not be approved if the unit fails inspection and deficiencies have not been corrected.

23.09 Move Out/Vacate Inspections

The LA may, at his/her discretion, conduct a move-out inspection at the request of the tenant and/or landlord. If possible, both the tenant and the landlord should be present for this inspection.

23.10 Special/Complaint Inspections

If at any time the family or owner notifies the LA that the unit does not meet HQS, the LA will conduct an inspection.

The LA will inspect only the items which were reported, but if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the annual inspection date is within 120 days of a special inspection and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be followed.
23.11 Quality Control Inspections

Quality control inspections will be performed by the LA on the number of files required by SEMAP. The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections and to ensure that there is consistency among inspectors in application of HQS.

The sampling of files will include recently completed inspections (within the prior three months), a cross-section of neighborhoods, and a cross-section of inspectors.

23.12 Accessibility Modifications to HQS

Modifications or adaptations to a unit due to a disability must meet all applicable HQS.

23.13 Emergency Repair Items

HQS deficiencies of an emergency nature must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector. Deficiencies of an emergency nature include but are not limited to the following:

- lack of security for the unit;
- waterlogged ceiling in imminent danger of falling;
- major plumbing leaks or flooding;
- natural gas leak or fumes;
- electrical problem which could result in shock or fire;
- no heat when outside temperature is below the Fahrenheit degree level consistent with LA’s local building codes and temperature inside is below the Fahrenheit degree level consistent with LA’s local building codes;
- inoperable smoke detector;
- inoperable carbon monoxide detector;
- utilities not in service;
- no running hot water;
- broken glass where someone could be injured;
- obstacle which prevents tenant's entrance or exit; and
- lack of functioning toilet.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the LA.

If the emergency repair item(s) are not corrected in the time period required by the LA and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair items are not corrected in the time period required by the LA and it is an HQS breach which is a family obligation, the LA may terminate the assistance to the family.

23.14 Lead Based Paint

LAs are responsible for complying with HUD’s Lead Based Paint requirements as outlined in 24 CFR Section 35 and HUD PIH Notice 2017-13. LA must inform HTFC when any occurrence as described below occur.

For Housing Choice Voucher (HCV) units, when a child under 6 is identified with an EBLL, the LA or the owner, as described below, must take certain steps. For the HCV program, the regulations identify the LA as the designated party for ensuring compliance with all the regulations. This includes the same steps as for public housing, except that the owner is responsible for some of the steps, and the LA, other steps. In addition, for several steps, as described below, the LA may wish to collaborate with the owner to expedite implementation.

The Owner is responsible for:

**Initial notification of a confirmed case to HUD:** Notifying the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes of the case – that is, the child’s address – within 5 business days. The LA may wish to collaborate with the owner on this notification process, such as by agreeing with the owner to be notified of the case by the owner and to forward the notification to the two HUD offices.

**Initial notification of the public health department, when necessary:** When the owner is notified of the case by any medical health care professional other than the public health department, the owner shall notify the public health department of the name and address of the child within 5 business days. The LA may wish to collaborate with the owner on this notification process, such as by agreeing with the owner to inform the public health department.

**Verification of the case, when necessary:** When the owner receives information from a person who is not a medical health care provider that a case may have occurred, the owner should immediately convey the information to the LA so the LA may notify the public health department, if the LA has indicated, or indicates at this time, that it wishes to collaborate with the owner on implementation of the rule, as described below.
Control of lead-based paint hazards: Completing the reduction of lead-based paint hazards in the index unit and common areas servicing that unit that were identified by the environmental investigation conducted by the LA within 30 calendar days, using a certified lead-based paint abatement firm or certified lead renovation firm. Work shall include occupant protection, and clearance of the unit and common areas servicing that unit by an independent certified risk assessor or a trained dust sampling technician working under the risk assessor in accordance with section 35.1340.

Notification to other residents: As already required by the LSHR, in a multiunit property, the owner must notify all residents of lead evaluation and hazard control activities.

Ongoing maintenance: Maintaining covered housing without deteriorated paint if there is child under 6 in the family in accordance with sections 35.1220 and 35.1355(a).

The LA is responsible for:
Verifying the case, when notification is not from a medical health care provider: The LA may wish to collaborate with the owner on this verification of an EBLL case, such as by agreeing with the owner to receive the information about the possible case. The LA shall immediately verify the information with the public health care provider.

Environmental Investigation: Conducting an environmental investigation of the child’s unit and the common areas servicing that unit in accordance with Chapter 16 of the HUD Guidelines. If lead-based paint hazards are found in the child’s unit (the index unit) in a multiunit property, see section 9 of HUD PIH 2017-13 regarding risk assessments to be conducted in other covered units with a child under age 6 and the common areas servicing those units.

Monitoring of owner’s compliance with LSHR: Monitoring the owner’s compliance with the LSHR in accordance with the Housing Assistance Payments (HAP) contract between the LA and the owner. LAs can perform oversight of this in conjunction with periodic Housing Quality Standards (HQS) inspections, but not at a frequency less than annually if there was deteriorated paint or known lead-based paint hazards identified in the child’s unit or common areas servicing that unit. This includes such actions as (see above) monitoring the owner’s:

- Notifying HUD of a confirmed case;
- Notifying the public health department when any other medical health care professional notified the owner of the case;
- Verifying the case when the owner receives information from a person who is not a medical health care provider that a case may have occurred;
- Ensuring that any required lead hazard control (including passing clearance) is complete;
- Ensuring that residents of other units in a multiunit property were notified of lead evaluation and hazard control activities; and
- Ensuring that ongoing maintenance of paint is conducted in accordance with sections 35.1220 and 35.1355(a).
• **Control:** Ensuring the owner completes and clears the control of lead-based paint hazards identified in the Environmental Investigation of the index unit and the common areas servicing that unit. If lead-based paint hazards are found in the index unit in a multiunit property, and the risk assessments in other covered units with a child under age 6 and the common areas servicing those units identified lead-based paint hazards, control those lead-based paint hazards as described in section 9 of HUD PIH Notice 2017-13.

The LA may wish to collaborate with the owner on the response, including providing the names of qualified and certified lead hazard control contractors, providing for the clearance examination, and ensuring notification to other residents in a multi-unit property.

**23.14.01 Initial Inspection**

HUD regulations require that all stabilization of lead-based paint surfaces be completed before the commencement of assisted occupancy. While 24 CFR Section 35.115 (12) permits a reasonable delay in the performance of an evaluation, lead-based paint hazard reduction, or lead-based paint abatement on an exterior painted surface during a period when the weather conditions are unsuitable for conventional construction activities, such delays are not permitted for initial HQS inspections. A unit must pass its initial HQS inspection before assistance commences under the HAP contract. Under no circumstances should a waiver be granted for a unit that fails initial inspection.

**23.14.02 Annual/Periodic Inspection**

If a unit fails its annual reinspection due to lead based paint hazards, the LA must advise the owner of his/her responsibility to ensure that the following conditions are adhered to:

- **Pursuant to 24 CFR Section 35.1345:**
  
  (a) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite), until after hazard reduction work has been completed and clearance, if required, has been achieved; and

  (b) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, unless the exceptions noted in 24 CFR 35.1345 exist.

- **Pursuant to 24 CFR Section 35.1215:**

  (a) If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within 30 days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with
§35.1340. If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency; and

(b) The LA may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment

23.15 Smoke and Carbon Monoxide Detectors

Pursuant to New York State’s Uniform Fire Prevention Building Code and adopted by HCR for enforcement within HQS, Carbon Monoxide (CO) alarms must be installed in all new and existing one- and two-family dwellings, multifamily dwellings, and rentals with a fuel-burning appliance, system or attached garage. Carbon Monoxide detectors are required to be located within 15 feet of all sleeping rooms and within 15 feet of the fuel-burning source. Smoke detectors are required in every sleeping room, within 21 feet of sleeping rooms and on every level of the dwelling unit, including the basement.

The Statewide Section 8 Voucher Program requires that this Code be adhered to for all units receiving Section 8 assistance.

Inoperable smoke and carbon monoxide detectors are a serious health threat and will be treated by the LA as emergency (24-hour) fail items. If the smoke and/or carbon monoxide detectors are not operating properly, the LA will contact the owner by phone and request the owner to repair or replace the smoke and/or carbon monoxide detector within 24 hours. The LA will reinspect the unit the following day.

If the LA determines that the family has disconnected the smoke and/or carbon monoxide detector (by removing batteries or other means), the family will be required to repair or replace the smoke and/or carbon monoxide detector within 24 hours and the LA will reinspect the unit the following day.

The LA will issue a written warning to any family determined to have purposely disconnected one or both detectors. The warning will state that deliberate disconnection of the unit’s smoke or carbon monoxide detector is a health and fire hazard and is considered a violation of HQS.

23.16 Determination of Responsibility

Certain HQS deficiencies are considered the responsibility of the family:
• Tenant-paid utilities not in service;

• Failure to provide or maintain family-supplied appliances; and

• Damage to the unit or premises caused by a household member or guest beyond normal wear and tear. Normal wear and tear is defined as items which could not be charged against the tenant’s security deposit under state law or court practice.

The owner is responsible for all other HQS violations, including vermin infestation even if alleged to have been caused by the family’s living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The LA may terminate the family’s assistance on that basis. The owner or participant may appeal the determination to the LA within five business days of the inspection. If the family is responsible for damages but the owner carries out the repairs, the owner may bill the family for the cost of the repairs.

23.17 Consequences When Owner is Responsible (Non-Emergency Items)

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repair(s) in the time period specified by the LA, the assistance payment to the owner will be abated.

A Notice of Abatement will be sent to the owner stating that the abatement will be effective the first of month following deadline for completing deficiencies/repairs. The LA will determine the deadline for completing deficiencies, depending on the nature of the repair(s) needed.

The LA will determine the time period for which abated units should be inspected, depending on the owner's notification that the work has been completed.

Upon notification that the required work is completed, the LA will advise both owners and tenants of the reinspection date. If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the LA's portion of rent that is abated.

23.18 Reduction of Payments

The LA may grant an extension in lieu of abatement in the following cases:

• The owner has a good history of HQS compliance;

• The failed items are minor in nature;
There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services;

The owner makes a good faith effort to make the repairs;

The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds; or

The repairs must be delayed due to climate conditions.

The extension will be made for a period of time to be determined by the LA. At the end of that time, if the work is not completed or substantially completed, the LA may terminate assistance.

### 23.19 Termination of Contract

If the owner is responsible for repairs and fails to correct all the deficiencies cited, HAP payments may be abated for a period of up to 180 days. The owner will be sent a HAP Contract Proposed Termination Notice prior to the end of the abatement period. During this period the tenant should pay his/her share of the rent unless directed otherwise by legal counsel. If the tenant chooses to remain in the unit after the HAP contract is terminated, he/she should be advised by the LA to seek legal guidance.

If the unit is uninhabitable, the tenant should be notified. The LA should work with the tenant to determine, based on the specific circumstances, when to issue a new voucher.

If repairs are completed before the effective termination date, the termination may be rescinded by the LA if the tenant chooses to remain in the unit.

### 23.20 Consequences When Family Is Responsible

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the LA will require the family to make any repairs or corrections within a time period consistent with the owner requirement for completing deficiencies. If the repairs or corrections are not made in this time period, the LA will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by the LA.

The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

### 23.21 Local Administrator – Owned Units

For purposes of program integrity and to avoid the appearance of conflict of interest, LAs are required to outsource inspections of LA-owned and managed units. The LA must provide a list of these units to the Statewide Section 8 Voucher Program.
24.01 Introduction

Under the Section 8 Home Ownership Voucher Program, HCR and its Statewide Program Local Administrators (LAs) provide tenant-based assistance to an eligible family that purchases a dwelling unit to be occupied by the family. All HUD and HCR rules for rental vouchers apply to home ownership vouchers except where superseded in the following sections.

HCR, on an ongoing basis, reviews LA readiness, capacity and local program procedures and has authorized all LAs under its jurisdiction (together with any identified partner) who meet HCR established requirements, to implement this program. As part of the continued development of the home ownership program, HCR and the LAs will continue to conduct assessments of technical assistance that may be necessary to successfully manage, improve, and enhance local home ownership activities.

HCR has established standardized Home Ownership Guidelines, set forth in SS8 Notice 2010-12, and dated May 10, 2010, which provide guidance to the LAs and their clients in the home ownership process. This process was developed to ensure consistency in the pursuit and realization of home ownership.

HCR also works with Public Housing Participants and VASH (Veterans Affairs Supportive Housing) Voucher holders who become eligible for the HCV program after either residing in Public Housing for a year and a voucher becomes available, or holding a VASH voucher for a year.

Experience with low-income home ownership programs has demonstrated that quality counseling is essential for successful home ownership and prevention of mortgage defaults. Each of our LAs is required to continue to demonstrate experience and capacity in this area, either within its agency’s programs and services, or through partnership with another entity.

Many LA’s have in-house home buyer education/housing counseling (HBE/HC) staff, while others administer their home ownership program in partnership with another agency experienced in home ownership and who offer HBE/HC. In either case, which ever agency will deliver the home buyer education/housing counseling to the prospective buyers is required to be HUD Certified by August 1, 2020.

Pursuant to the New Freedom Initiative (Executive Order 13217, dated February 2001), HCR and the LAs will make every effort to ensure its home ownership policies afford disabled individuals (or families) opportunity to participate fully in community life, and to remove any barriers that may impede a disabled person’s opportunity for community placement.
24.02 Permit Ownership Arrangements

The Home Ownership Program may be utilized in the following types of housing:

(1) Single-family home
   (a) New construction with environmental review completed
   (b) Under construction
   (c) Existing;

(2) Manufactured home, constructed in 1976 or later, on a permanent foundation;

(3) Single dwelling unit in a condominium owned by the family in which one or more family members hold title to the home;

(4) Homes occupied under a lease-purchase agreement; and

(5) A cooperative unit in which one or more family members hold membership shares in the cooperative

Home ownership excluding land: 24 CFR 982.628(b); 24 CFR 982.628(e) & 982.631(c)(3)
Purchase of a home where family will not own fee title to the real property. Home ownership assistance may be provided for the purchase of a home where the family will not own fee title to the real property on which the home is located, but only if: 1) The home is located on a permanent foundation; and 2) The family has the right to occupy the home site for at least forty years.

24.03 Determination of Family Eligibility

Unless otherwise approved by HCR, any family to be considered for home ownership assistance must already be an eligible participant in the Housing Choice Voucher (HCV) rental assistance program in the LA’s local program area for at least 12 consecutive months. The 12 consecutive month minimum may be waived or reduced for a port-in, or to address reasonable accommodation requests. Applicants may not be taken from the wait list. The individual or family must also be in compliance with all stated family obligations, and in good standing with the local program. If applicable, the family must have fully satisfied any repayment agreements.

If the family has been through bankruptcy, HCR sets a three-year minimum waiting period from the bankruptcy filing date to participate in the home ownership program.

Although, Family Self Sufficiency (FSS) enrollment and/or completion is no longer required, it is highly recommended that Section 8 participants who are candidates for home ownership, but not participants in the FSS program, be referred to comparable family development services to ensure viable and successful home ownership-ready families. This policy supersedes the FSS requirement included in the original application for participation in the Housing Choice Voucher Home Ownership Program.
LAAs are responsible for all normal Section 8 eligibility determinations and for ensuring that families meet employment and minimum annual income requirements established by Federal program regulations. The minimum family income requirements are as follows:

1. For non-disabled individuals and families, HCR has adopted the federal minimum annual family income from full-time employment (not less than an average of 30 hours per week) at the federal minimum hourly wage X 2000 hours.

2. For elderly or disabled individuals or families, the employment requirement is waived.
   a. However, the minimum family income for elderly must be from a stable source and equal the same dollar amount as 2000 hours multiplied by the current Federal Minimum Wage. For disabled households, the minimum income must be from a stable source (such as Social Security or pension benefits), with the minimum monthly SSI benefit standard for an individual living alone that conforms to the Social Security Administration guidelines published in January of each year.
   b. Definition of Disabled Family: A disabled family for purpose of eligibility means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

3. At the commencement of home ownership assistance, the minimum annual family income must be continuous for at least one year prior to application for a home ownership voucher.

The LA will use current minimum wage and current minimum disability incomes for all eligibility decisions. The local program manager may establish minimum income requirements which are higher than the HUD standard, subject to HCR approval, for either one or both types of families (disabled and non-disabled), based on factors such as local housing costs and/or the practices of local lenders.

However, families that do not meet the LA’s higher minimum income requirement shall still be considered to meet the income requirement if:

1. the family meets all other applicable HUD eligibility requirements; and

   2. the family can demonstrate that they have been pre-approved or pre-qualified for financing an amount sufficient to purchase decent, safe and sanitary housing of modest design in the LA’s jurisdiction.

The LA will also be responsible for determining that families satisfy first-time homeowner requirements established by program regulations, and that they are “credit ready” and have not defaulted on any mortgage used to purchase a home under the home ownership program. A family is not eligible if any family member at the time of default has previously received home ownership assistance and defaulted on a mortgage.
24.04 Home Ownership Counseling

Section 536:8 (y) of the Quality Housing and Work Responsibility Act of 1998 provides that a family must participate in and complete a home ownership and housing counseling program before commencement of Section 8 home ownership assistance. HCR’s policy requires a minimum of 8 hours of home ownership education and housing counseling prior to home ownership, and a Certificate of Completion for same.

LAs will be responsible for providing pre-assistance and post-purchase counseling including: (1) Home maintenance; (2) Budgeting and money management; (3) Credit counseling; (4) How to negotiate the purchase price of a home; (5) How to obtain home ownership financing and loan preapprovals (including a description of types of financing that may be available); (6) How to find a home (including information about home ownership opportunities, schools, and transportation in the LA’s jurisdiction); (7) Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas; (8) Information on fair housing (including fair housing lending and local fair housing enforcement agencies) and information about the Real Estate Settlement Procedures Act (RESPA) (12 U.S.C.2601 et seq.); and (9) Information on State and Federal truth-in-lending laws and how to identify and avoid loans with oppressive terms and conditions.

Counseling must only be provided by a HUD-approved housing counseling agency, which may either be the LA or other qualified entity.

Within two years prior to purchasing a home, the individual or family must complete no less than 8 hours of home buyer education classes and housing counseling, and receive a certificate of completion. A copy of the certificate of completion must be submitted to the LA before proceeding to the next step in the home ownership process. A refresher session with a housing counselor will be required for any participant who has a certificate that is more than two years old.

Under no circumstances will HAP assistance be obligated or released for Section 8 home ownership prior to a client’s completion of and receipt of an acceptable certificate of completion of housing counseling/home buyer education classes provided by a HUD certified counseling agency.
agency. In addition, assistance may not be given to families that have already purchased a home and have not attended a pre-purchase briefing and completed housing counseling/home buyer education classes provided by a HUD certified counseling agency.

24.05 Home Inspections

Two kinds of physical inspections are required in the home ownership program, in addition to and separate from any lender required inspections, both of which must be completed prior to release of HAP, and preferably before closing. They are:

(1) an HQS inspection by the Local Administrator; and

(2) an independent professional home inspection by an inspector used in the private market by home buyers.

The HQS inspection should be completed prior to the independent inspection to avoid unnecessary costs to the family. All major systems must be turned on and functional for the inspection; otherwise the inspection for those systems must be marked “inconclusive” and therefore, the inspection fails. These systems include heat, water, and electric services to be tested. A re-inspection must be scheduled once the systems are functional.

The independent professional inspector must be selected, hired and paid for by the family. A family’s Family Self-Sufficiency (FSS) escrow account may be accessed for this purpose, if applicable. Home inspectors must have certification from the American Society of Home Inspectors or a similar national organization.

In instances where a family applies for and is eligible for a U. S. Department of Agriculture Rural Development (USDA-RD) single-family mortgage, the independent professional inspection required by USDA may also be used to satisfy the Section 8 independent professional inspection requirement. However, the person performing the inspection must be qualified to report on property conditions including major building systems and components. The LA may disapprove the home or unit on the basis of either the HQS or the independent inspection report.

The HQS inspection performed by the LA will indicate the current physical condition of the unit and any repairs necessary to ensure that the unit is safe and habitable. The purpose of the independent home inspection is to identify any home defects and to assess the adequacy and life span of the major building components. The home must pass an initial HQS inspection before home ownership voucher assistance can be authorized. Any additional HQS inspections for subsequent years are at the option of the local program administrator.

24.06 Determination of Home Ownership Assistance Levels

HAP will begin only after the unit passes inspection. There are no partial month payments for home ownership. HAP begins the first of the month after the unit passes inspection. If a payment
was due the first of the month, but the inspection passed too late in the month to be submitted for payment, a double month payment will be requested for the following month.

The LA will be responsible for determining the amount and distribution of the home ownership assistance to be provided on a family’s behalf. If the family has satisfactorily met all Section 8 requirements of the home ownership process and has applied for the mortgage(s), the LA will provide the following information to the lender(s):

- the total gross rent;
- total tenant payment (TTP);
- the Payment Standard in effect at that time; and
- the estimated housing assistance payment (HAP).

Lenders will be notified that these numbers are subject to change once the LA has the true mortgage, interest, taxes, and insurance payment values.

In determining the monthly home ownership expenses for purposes of calculating the monthly home ownership assistance payment, the LA must consider:

- the (PITI) principal, interest, taxes, insurance; condo/co-op fees or lot rent involving manufactured housing constructed in 1976 or later and affixed to a permanent foundation;
- principal and interest on debt incurred to finance major repairs;
- replacements or improvements for the home; utilities; and
- an allowance for routine maintenance and major repairs of not less than $50 ($25 each) and not more than $100 ($50 each).

The allowance for routine maintenance and major repairs will be used as a guideline by the family to establish savings/reserves for maintenance and/or repairs and replacement of major systems or appliances. While maintaining and tracking of this account is not statutory, it is highly recommended that the LA remind the family that this allowance should be saved in a separate savings account, should the need arise. When calculating utilities, use the lesser of the allowance for the bedroom size the family is purchasing or the allowance for the bedroom size the family is eligible for.

Pursuant to program regulations, once home ownership assistance commences for the home or unit, the payment standard will never be less than the payment standard at the time home ownership payments begin.

The housing assistance payment may be made directly to the lender or the family. However, if any HAP payments are being made directly to the family and the family becomes delinquent in payments, the LA may make future HAP payments directly to the lender. The LA may also make payments directly to the lender at the lender’s request. If this change is to be made, the lender must have capacity to accept payment from both the individual and Section 8 for the one mortgage payment.

Pursuant to program regulations, the LA will also be responsible for determining if a family is eligible for continued tenant-based assistance if the family wishes to move.
24.07 Mortgage Financing and Down Payments

HCR and the LA may not require the use of a specific lender. However, both HCR and the LA may require certain qualifications of potential lenders, and may establish prohibitions on certain forms of financing and terms. The home the family intends to purchase must be affordable. All mortgage funding proposals must be reviewed by HCR prior to closing for pre-approval. HCR or the LA may disapprove any proposed financing or refinancing if HCR, the LA or the housing counselor partner determines that the debt is unaffordable or the loan terms are oppressive.

Signatures will be obtained on all pertinent documents for all parties on the deed and the mortgage. The voucher holder must be on both.

Mortgage affordability will be determined by HCR pre-closing. The LAs are required to provide utility and maintenance/repair budgets to HCR as well as mortgage financing proposals and estimated closing costs. Mortgage financing affordability will be defined by the following debt-to-income ratios:

(1) the front-end ratio (housing debt-to-income) should be no higher than 40%; and
(2) the back-end ratio (all debt-to-income) should not exceed 45%.

This may be waived or modified upon application to HCR.

HCR and the LA require a minimum down payment that equals three percent of the sale price. The family contribution toward the down payment must be at least one percent of the sale price and come from the family’s personal resources. An FSS escrow account may be used for this purpose, if applicable. If a family is utilizing a USDA-RD single family mortgage loan product, or similar government mortgage product, the down payment requirements may be changed or waived by the LA.

The mortgage loan financing used for the purchase of the home must meet one of the following criteria:

- provided, insured, or guaranteed by state or federal government;
- complies with secondary mortgage market underwriting requirements;
- complies with generally accepted private sector underwriting standards;
- adheres to the qualifying ratios defined above.

Lease-purchase agreements will be permitted, but only upon written application to HCR and written approval from HCR. If approved, participant will obtain a mortgage through a qualified financial institution. Examples of types of mortgage financing that will not be permitted are owner financing, interest-only loans, balloon payments, and adjustable rate mortgages.

Refinancing will be considered for positive outcomes (i.e.: lower interest rate, lower payment, capital improvement); however, the LA has the right to deny any request. Cash outs of equity are not allowed. Before refinancing, the home owner must receive authorization from the LA.
24.08 Home Search

The family is responsible for finding an eligible home or unit to purchase. The LA may establish time limits for a family to locate a home to purchase and to close on a home. The LA may not steer or restrict the family to certain sellers or neighborhoods.

A family may choose to purchase an eligible dwelling that is owned or substantially controlled by HCR or the LA, provided the family signs a written assurance acknowledging that the family is freely selecting the dwelling without pressure or steering. Also, under these circumstances, an independent agency must perform certain administrative functions such as the HQS inspection, review of the independent professional inspection report, review of contracts for sale, review of sales price and any HCR or LA-provided financing.

Under regulations, the LA must disapprove the seller if the seller has been debarred or suspended by either HCR or HUD from participation in any housing program.

Purchase of a home under the program using a special needs trust is not a permitted activity (24 CFR 982.625-643).

24.09 Post-Purchase Activities

LAs will be responsible for establishing such post-purchase monitoring and counseling procedures as may be necessary to ensure that families do not risk mortgage delinquency or default. Ongoing monitoring and counseling should include basic home maintenance guidance and post-purchase budgeting.

The topics to be covered in post-purchase counseling may include but are not limited to:

- home maintenance;
- managing debt after home ownership occurs;
- protecting your assets;
- investing in your future;
- building wealth;
- record keeping;
- energy efficiency;
- home safety and security;
- preventive maintenance;
- basic home repair;
- improvements to increase the home’s value;
- working with a contractor;
- landscaping;
- taxes; and
- insurance.
24.10 Portability

Section 8 Housing Choice Voucher (HCV) regulations provide a portability feature after an initial lease up of one year. Families who are determined eligible for the home ownership program and are in good standing with the initial PHA, may port out of the LA’s jurisdiction to anywhere in the US for home ownership, as long as the receiving PHA administers a Section 8 home ownership program and is accepting new families into its program. If the receiving PHA does not administer a home ownership program, HCR, through an MOU with the receiving PHA, can continue to administer this home ownership voucher in the new jurisdiction. HCR’s rule that participants must be a Section 8 participant in their local program area for one year may be waived for port-ins at the LA’s discretion. If a family wishes to relocate from one LA’s jurisdiction to another LA’s jurisdiction within HCR’s PHA Statewide Network, it is considered a transfer, not a port-in.

Operating within HUD guidelines and available budget authority, HCR’s intention is to expand home ownership opportunities throughout New York State, with a special emphasis on reaching out to communities and PHAs outside our local Administrator network that do not operate a home ownership program. The location of the unit determines the payment standard to be used for HAP calculations. SS8 Notice 2010-13, dated May 10, 2010, contains guidance on port-ins from PHAs outside our local administrator network that do not operate a home ownership program.

24.11 Length and Continuation of Assistance

Section 8 assistance will only be provided for the period in which the family resides- in the home. The maximum length of time a non-elderly, non-disabled family may receive home ownership assistance is 15 years if the mortgage has a term of at least 20 years. There is a 10 year time limit for home ownership voucher assistance for mortgages less than 20 years. There are no time limits for elderly and disabled families.

A home ownership family may purchase another home with Section 8 assistance provided there is no mortgage loan default and the family is in compliance with the Statement of Homeowner Obligations (HUD Form 52649). However, the maximum 15 year term of assistance for non-elderly, non-disabled families is cumulative between the two purchases.

In some cases, the gross home ownership expenses are less than gross rental expenses, or the family has an increase in income causing a zero HAP calculation. The family will remain at zero HAP, but will stay in active status for up to six months. At the end of the six months the family will be terminated from the program. In cases where the family encounters catastrophic circumstances after voluntary or involuntary termination, requests for reinstatement to avoid foreclosure or default will be considered on a case-by-case basis. These requests must be submitted for prior HCR approval.

A family may revert to rental from home ownership if they are in good standing with the PHA; however, the family must first sell the home. Rental HAP cannot be dispensed as long as the family owns the home and is eligible for and receiving HAP toward their mortgage. In addition, any profit from the sale of the home must be reported as income that year and considered in calculating rental benefits.
24.12 **Home Ownership Option 10 year Asset Exclusion: (Reference 24CFR 5.603(b) Net Family Assets**

For the purpose of determining a family’s income, the home purchased under the HCV program is exempt from being counted as an asset for the first ten (10) years after the closing date.

Once the family has reached the 10 year anniversary of their closing, the annual income must include either the actual income derived from the net family assets, or a percentage of the value of such assets based on the current passbook savings rate established by HUD.

This income is based on the equity of the home each year. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the assets. The market value is the price a buyer would pay to a seller for a property in its present condition. The market value can be determined by a sales comparison method or the tax assessor’s market value method.

However, **Local Administrators are required to use the tax assessor’s value to determine the market value of the home.** In addition, the reasonable costs for converting to cash must also be deducted from the equity. Accordingly, the Net Cash Value must be determined as follows:

1. **Market Value – Loan (Mortgage)=Equity**
   - The market value will be obtained by reviewing the local assessment roll or the owner’s most recent property tax bill.
   - The monthly mortgage statement of the participant will usually contain information pertaining to the loan balance or payoff amount for the loan. LAs should first try to use the payoff amount for the loan. If the only information available is the loan balance, the LA may deduct that amount from the market value.

2. **Equity – Expenses to convert to cash= Net Cash Value**
   - To calculate the cost to convert the asset to cash, Local Administrators will use HUD’s Safe Harbor percentage of 10% of the market value of the home. However, if the home is sold, the actual costs (expense) must be used in the calculation.
   - If Net Cash Value is zero or a negative number, no adjustment to net family assets should be made.

24.13 **Recapture Provisions and Re-Sales**

There are no recapture provisions for the monthly housing choice voucher assistance in the Home Ownership Voucher Program. Upon sale of the home and if still eligible, a family may move and utilize its voucher for either rental assistance or home ownership assistance. If home ownership assistance is chosen, then the term limits remain in effect and the family will be entitled to utilize...
the remaining term. With regard to the payment standard and sale of the home, voucher rules covering relocation become effective. During this time the payment standard and voucher size will be adjusted to accommodate the family size or composition.

A family may sell its home, move to another jurisdiction, and continue with home ownership assistance if:

   (1) the new jurisdiction is operating a home ownership program and accepting new families; or

   (2) HCR, through an MOU, continues to administer the voucher in the new jurisdiction.

## 24.14 Defaults

If a family in the Home Ownership Program defaults on any mortgage loan, the family must be terminated from home ownership assistance, and the family will not be permitted to use the home ownership voucher to purchase another house. If the LA can justify allowing the family to revert back to rental assistance from this default situation, a letter requesting approval must be submitted to HCR. Rental assistance may not be released until approval is granted by HCR.

## 24.15 Family Obligations

Before commencement of home ownership assistance, the family must sign HUD Form 52649, Statement of Homeowner Obligations.

**Note:** Prior to closing, the participant will be required to provide proof that the rental unit they are vacating is in good condition (i.e., letter from the landlord).

To continue to receive home ownership assistance, a family must comply with the following family obligations. Failure to comply may result in termination:

   (1) The family must leave their current rental unit in good condition before moving into the home ownership program.

   (2) The family must comply with the terms of any mortgage which secures the debt used to purchase the home, and any refinancing of such debt; under refinancing, no cash-outs are allowed.

   (3) During the time the family is receiving home ownership assistance; the family may not sell, convey or transfer any interest in the home to any entity or person. Further, the family must maintain the home as their principal residence for the period of time the family is receiving the assistance. Subletting or leasing the home is not permitted.
(4) The family must supply required information regarding income and family composition on an annual basis in order to calculate the appropriate TTP and HAP during the term of home ownership assistance.

(5) The family must immediately notify the LA if household income decreases and must provide all information necessary to complete an interim recertification.

(6) The family must provide information on the following: any mortgage or other debt used to purchase the home and any refinancing of such debt; any satisfaction or payment of mortgage debt; any sale or other transfer of any interest in the home; and the family’s home ownership expenses. The family will sign an authorization allowing the LA and all lenders holding mortgages to the family’s home to disclose to each other, information as it pertains to the mortgage application and other records which each party may require.

(7) The family must immediately notify the LA if the family becomes delinquent and/or defaults on a mortgage, securing any debt incurred to purchase the home, and must agree to work with the LA’s housing counselors to work out terms for becoming current, or other acceptable loss mitigation work-out plans.

(8) At annual recertification, the family must document to the satisfaction of the LA that the family is current on mortgage, insurance, taxes, utility payments, co-operate fees, condominium fees, and/or land-lease payments, if applicable. Monitoring of replacement/reserve accounts is not statutory, but is highly recommended.

(9) As required by the LA, the family must participate in ongoing post purchase counseling and/or attend other courses related to home ownership.

(10) The family must promptly notify the LA in writing of the birth, adoption or court-awarded custody of a child, or the presence of a live-in-aide.

(11) The family must allow the LA to inspect the house at reasonable times and after reasonable notice.

(12) Loss of employment: If a family loses a full-time job, the minimum family share will be set at $50.00 per month. The family must attend post-purchase counseling, and may be required to join an FSS program, if available. The LA will also perform interim recertifications on a monthly basis in order to confirm the family is seeking full time employment.

**24.16 Termination**

As per CFR 24 982.638, Section 8 Home Ownership Assistance may be denied or terminated based on CFR24 Sections 982.551, 982.552, and 982.633 and for Mortgage Default. Please see aforementioned documents for complete listing.
1. The family must use the home for their sole residence, have no residents in the home other than reported family members, and must not sublet the whole or any portion of the home.

2. Participants must abide by the HAP contract, the Mortgage Contract, the Statement of Family Obligations.

3. The family must submit any documentation and /or information requested by the PHA in a timely manner. All information must be true and accurate.

4. The family must not default on the mortgage.

5. The family will repay monies owed to the PHA as per a repayment agreement.

6. The family must not commit fraud.

7. The family must not be absent from the unit for more than 30 days. See Section 11.0 of the Administrative plan for more info on absence. Total authorized absence will not exceed 180 days.

8. No family member may be involved in any drug related or other criminal activity.

24.17 Family Self-Sufficiency (FSS) and Home Ownership

A Section 8 head of household that is currently participating in an FSS program may, during the term of its FSS contract, pursue home ownership and utilize his/her voucher assistance for home ownership purposes (in conjunction with this or any other local, state or federal home ownership program). If home ownership occurs, the family may use up to 90% of their escrow account funds toward expenses incurred in the purchase, and may also continue after the purchase, to fulfill the remaining term of its FSS contract and continue to accrue escrow, if applicable.

Under these circumstances, the Individual Training and Services Plan (ITSP) must be amended to include attendance at post-purchase counseling. See Section 24.09 for topics that may be covered under post-purchase counseling.

24.18 File Documents for Audit Trail

The following is a list of file documents that should be in each HCV Home Ownership file to maintain a clear audit trail for each Section 8 home owner.

1. Any required authorizations signed by the head of household; include prequalification application, releases of information, signed statement never defaulted on a mortgage under Section 8 Assistance, and any proofs of eligibility (full time employment for a year, minimum required income, disability letter (if disabled)
2. Copy of waivers granted, if applicable (i.e., reasonable accommodation for disabled head of household or family member)

3. Voucher & signed Statement of Family Obligations (signed)(HUD Form 52649)

4. Certificate of Completion of Home Ownership Counseling courses

5. Credit Report(s) or confirmation of Credit Score

6. Worksheet estimating HAP for Home Ownership or notes to file either on separate sheet of paper or on a copy of the 50058 (Note: you may use the short calculation for home ownership function in the Power Builder computer system as a resource)

7. Copy of Mortgage Commitment Letter

8. Copy of executed Contract of Sale (must include Contract Contingency Statement).

9. Signed Statement from seller that he/she is not debarred from participating in any HUD program – if you cannot obtain this, you must have documentation in your client files to explain why you don’t have it.

10. Prior to closing: Statement from the landlord confirming that the participant is in good standing, and the apartment being vacated is in good condition (at least as good condition as when it was rented barring normal wear and tear, and that the rent is current).

11. HQS Inspection report & Professional inspection report (include work scope and bids on work for rehab/repair if applicable). Note: if using USDA as the mortgage lender, you may use the independent Professional Inspection to satisfy both USDA and HUD requirements for Professional Inspection.

12. HUD 50058 - Family Report - one before home ownership and one after home ownership occurs

13. Copy of Deed (or Cooperative Shares, if applicable)

14. Mortgage document (as proof of competitive interest rate & terms)

15. Copy of HUD-1 Settlement Statement

16. Proof of family contribution toward 3% down payment (1% when applicable) was from their personal resources (if the mortgage product used required down payment)

17. Copy of the completed after purchase Home Ownership Survey
18. Any and all correspondence (letters, emails, faxes) regarding issues with the closing from start to finish.

19. **Optional**: Photo of Home purchased (digital format preferred) plus (signed) release/permission form to use photo and/or other closing information.

**Section 24.18.01 Annual Recertification Documents Required in Home Ownership Files**

Proof of:

1. Income and family composition
2. *Home Owners Insurance Policy or declaration page*
3. Mortgage is current
4. *Taxes are current (i.e.: school, property, etc.)*
5. Utilities are current
6. (If co-op or condo) payment of operating charges, maintenance fees or special assessments are current

**NOTE:** *If taxes and insurance are escrowed by the lender, the bank’s escrow summary report will satisfy these requirements.*

**24.19 Re-enrollment in the Home Ownership Program**

Housing Choice Voucher participants going through the home ownership process have the right at any time during the process to withdraw from the home ownership program without purchasing a home. This decision does not affect the status of the participant’s housing choice voucher. If the family has already signed a contract for sale, they may cancel the contract for purchase (subject to the terms of the contract).

Although there is no limit to the number of times a family may attempt to purchase a home, the participant’s Housing Counseling/Homebuyer Education Certificate expires after two years. If the family is not under signed contract for sale at the expiration of the certificate, they will be exited from the home ownership program and there will be a two-year waiting period before the family is eligible to re-enroll.

The Home Ownership Coordinator should conduct a follow-up review to determine the reason(s) for the participant’s withdrawal from their program and document the reason(s) in the participant’s folder. If a family expresses interest in purchasing again during the two-year waiting period, they should be instructed to re-review their housing counseling/homebuyer education resources in order to reevaluate possible issues that may affect their home ownership readiness at the end of the two-year waiting period.

The two-year waiting period may be waived by the local Home Ownership Coordinator under the following circumstances:

- the LA determines that the participant’s decision(s) not to purchase at the time was justified, and
• the LA determines that the participant is currently prepared to purchase and that the waiver will benefit the participant in achieving his/her homeownership goals.

However, the returning participant would be required to enroll as a “new” participant, which would include the repetition and successful completion of all homeownership program requirements and the Housing Counseling/Homebuyer Education certification prior to purchase.
Section 25.0  PROJECT-BASED VOUCHER PROGRAM

The Section 8 Project-Based Voucher (PBV) program is a component of the Statewide Section 8 Housing Choice Voucher (HCV) program and provides long-term project-based rental assistance contracts for very low and extremely low-income households. Unlike tenant-based assistance where the assisted unit is selected by the family, rental assistance is paid only for contracted units in specific housing developments under the PBV program.

The PBV program is discretionary and allows HCR to contract up to 20 percent of its total HCV budget authority for the use of project-based voucher assistance by means of Housing Assistance Payments (HAP) contracts. Unlike the Tenant-Based Voucher (TBV) Program, PBV subsidies are attached to specific units in specific projects for the term of the Housing Assistance Payments (HAP) contract. They can be used for newly constructed properties or rehabilitated units or for units in existing buildings.

This section pertains to LAs with current project-based developments or LAs that have been approved for project-basing of vouchers. All LAs should fully familiarize themselves with Project-Based Voucher Program, Final Rule (24 CFR Part 983) issued October 13, 2005 and the Housing and Economic Recovery Act of 2008 (HERA) as enacted July 30, 2008 and further established June 25, 2014 and the Housing Opportunity Through Modernization Act of 2016 (HOTMA).

25.01  PBV Contract Selection

HCR will set aside a certain number of vouchers each year to be made available as Project Based Vouchers (“PBVs”), not to exceed the aggregate limit for the program as set forth by HUD regulations. Unless otherwise specified, PBVs will be made available through a competitive process such as a Request for Proposals (“RFP”). Projects selected will comply with all HUD requirements in 24 CFR Part 983. HCR seeks to leverage PBVs with other state and federal affordable housing resources. As such, PBVs may be made available as part of the agency’s annual Unified Funding (“UF”) round, the Multi-Family Open Window RFP, or another competitive selection process as determined appropriate by the agency. Interested parties will be notified of the opportunity to request PBVs through publication of the RFP on the Agency’s web site and one or more of the following methods: 1) Publication of a notice in the New York State Register or another publication of general circulation; 2) Targeted outreach to potential applicants through email, technical assistance workshops, etc.; 3) Other methods as determined appropriate by HCR. HCR will evaluate proposals on a competitive basis as provided in pertinent program statute and regulations and for consistency with the goals and objectives set forth in the RFP. Among other factors, selection will be based on a project’s ability to meet local housing needs and/or its consistency with State or regional strategies to assist underserved communities, expand housing opportunities and deconcentrate poverty. Evaluation factors may also include a project’s consistency with relevant state, local or regional planning documents. Where PBVs are leveraged with other federal and state development financing sources, staff in HCR’s Office of Finance and Development will take a lead role in evaluating the appropriate level of subsidy, connecting with other internal HCR units to coordinate timely compliance
reviews for Section 3, MWBE, environmental, etc. and executing contract documents as required. LAs will be responsible for administering all PBVs assigned to them by HCR.

Funding applications initially received in response to a previously issued competitive selection RFP may also be considered for project-based voucher awards as long as the proposed project’s application was received within three years of the initial PBV proposal date, was selected in accordance with the competitive selection process and did not previously involve consideration to receive PBV assistance.

For questions received regarding the Unified Funding process, please refer any prospective applicants to the following link to review HCR’s available resources and application process: https://hcr.ny.gov/funding-opportunities

25.01.01 Single-Stage and Multi-Stage Contracts

All PBV contracts will be executed as a single stage project (where all contracted units are leased up at the same time) unless the project sponsor at the time of application seeks to lease units incrementally (multi-stage project). Multi-stage contracts may only be requested for projects with more than one building or where a building is five (5) stories or greater. Project sponsors who request a contract to be considered for multi-stage must provide a timeline as part of their application. That timeline shall include approximate lease up times for a maximum of three (3) stages and a minimum of three (3) vouchers in each stage. Each stage must be at least 30 days apart. HAP payments to owners may take up to 60 days from the initial request for each stage. All requests subject to review and approval.

25.02 Deconcentration of Poverty/Expanding Housing Opportunities Standards

As part of HCR’s commitment to assist underserved communities, expand housing opportunities and deconcentrate poverty, all applications that include PBVs as a part of their request for funding are reviewed for site selection eligibility. These eligibility reviews are conducted in accordance with Section 983.57(b)(1) of PBV regulations and this Administrative Plan to determine the extent to which a project supports the deconcentration of poverty and expanding housing and economic opportunities as part of their proposal.

The PBV eligibility review is conducted using data derived from local and census tract demographics and is performed on all PBV applications with consideration of the following: current poverty levels as well as changes in the level of poverty over the past five years in an application area; the availability of similarly assisted units in the project area, whether they are sufficient to support the current need and if their availability is likely to increase or decline in the future; the availability of professional, social and/or economic advancement opportunities within the census tract; and any additional public/private dollars currently invested (or to be invested) in the area for purposes of achieving the same goals.
HCR will not select a proposal for existing, newly constructed, or rehabilitated PBV housing or enter into an AHAP contract or HAP contract for PBV units unless HCR has determined that PBV assistance is consistent with these goals.

25.03 HAP Term

The term of the PBV HAP contract can be no less than one (1) year and no more than twenty (20) years. While the term of all PBV HAP contracts will be reviewed on a case-by-case basis within HCR policy and HUD parameters, in most cases the initial term will be twenty (20) years.

HCR will consider and may agree to enter into an extension of the HAP contract prior to expiration of the initial contract term if it is determined an extension is appropriate to continue providing eligible families needed affordable housing opportunities.

The LA is responsible for making housing assistance payments to the owner on behalf of a family and only in accordance with a successfully executed HAP contract. Payment of the tenant’s portion of the rent is the responsibility of the family. The LA is not responsible for paying any part of the tenant’s portion of the rent, or for paying any other claim by the owner against a family.

25.04 HAP Contract Amendments (Unit Substitution/Addition/Removal)

25.04.01 Unit Substitution

Since PBV assistance is assigned to specific units throughout the duration of a project’s HAP contract term, HCR may consider unit substitutions by means of a contract amendment in situations only where a reasonable accommodation is needed. In order to be considered, the substituted unit must be located within the same project, have the same number of bedrooms, be HQS compliant and meet the same PBV requirements as the previously covered contract unit. Should HCR approve the requested substitution, the LA must inspect and pass the proposed unit prior to assistance being transferred.

Exception: Should a unit under contract at a project become vacant and the next available applicant on that project’s site-specific waiting list is a current occupant in an unassisted unit within the same project, a unit substitution will be considered providing the replacement unit has the same number of bedrooms, is HQS compliant and meets the same PBV requirements as the covered unit.

25.04.02 Unit Addition

A request to amend the HAP contract by adding PBV units may only be considered during the three-year period following the execution date of a project’s contract. HCR, at its sole discretion, will consider amending the HAP contract to accommodate additional PBV units under the following general circumstances: a sudden housing shortage caused by a disaster or other loss of housing units, an influx of displaced families, or if an inordinately high percentage
of voucher-holders are unable to find housing prior to the expiration of their voucher (taking into consideration all approved extensions).

Although a new PBV request for proposal is not required, any amendment to a HAP contract is subject to all applicable PBV requirements. Units approved to be added to a HAP contract must use the anniversary and expiration date of the existing contract.

25.04.03 Unit Removal

If, while occupying a PBV unit, a family’s portion of the rent exceeds the rent to owner and the family goes to “zero HAP” for a period of 180 days, the unit must be removed from the PBV HAP contract. At such time the LA must notify HCR to amend the contract accordingly. This action does not prohibit the tenant from remaining in the unit in accordance with the terms of their lease.

Once the ineligible family vacates the unit (or gives written notice they intend to vacate), the unit must be reinstated to the PBV contract. The LA must notify HCR of the requested reinstatement and begin to refer eligible applicants from the project’s site-specific waiting list in accordance with HCR’s Administrative Plan. If notice from the project entity is not received and the unit is filled in violation of the established PBV leasing requirements (as found in CFR 983.253(a)(1)), the unit will be permanently removed from the contract.

The anniversary and expiration dates of the HAP contract for the reinstated unit remains the same as it was when it was originally placed under the HAP contract.

25.05 Selection of Families from the Waiting List for Project-Based Units

Local Administrators who have Project-Based Voucher (PBV) developments in their operating areas are required to maintain individual waiting lists for each PBV development. PBV waiting lists will be established by canvassing the LA’s current tenant-based waiting list, accepting owner referrals and by conducting community outreach as needed, taking into consideration the type of development (i.e., family, elderly/disabled) and/or bedroom sizes. Canvassing the general waiting list may be accomplished through individual applicant notification, advertising through local and minority newspapers and the internet, local postings at post offices, libraries, and community centers, or an outreach to social service organizations that have been identified as serving the same clientele that will be occupying the PBV units.

Applicants will be permitted to apply for any/all PBV waiting list(s) within the LA’s jurisdiction, and can maintain positions on both the tenant-based and PBV waiting lists at the same time. Placement on a waiting list will be based on the date and time the application/referral is received by the LA for each specific waiting list. HCR’s automated Section 8 Housing Choice Voucher System (SHCVS) has been modified to allow for the implementation of multiple waiting lists.

As vacancies occur in a project-based development, it is the LA’s responsibility to refer eligible families (based on HCV program criteria) to vacant units from the specific PBV waiting list.
for that project. **Regulations require all persons selected for PBV assistance must be selected from HCR’s site-specific waiting list.** Communication between the LA and project management should be maintained in order to facilitate the rental process.

HCR will open and close the site-based waiting lists pursuant to the procedures outlined in Section 1.0 of this Administrative Plan.

### 25.05.01 Preferences

Preference in selection and admission policies for HCR’s Tenant-Based Voucher (TBV) Program as found in Section 1.0 of the Administrative Plan and at 24 CFR 983.251(d) applies to Project-Based Voucher (PBV) assistance.

**Exception:** Any current or future PBV contract executed in a Mitchell-Lama (interest reduction program)/236 rental subsidy project must provide any eligible veteran who applies to a project’s site-specific waiting list (or their surviving spouse), who served on active duty in time of war, as defined in Section 85 of the Civil Service Law, and resides in New York State, absolute preference and be referred to the next available appropriately sized unit.

### 25.06 Tenant Screening

As provided for in Section 983.255 of PBV regulations, HCR as PHA is authorized to establish a policy to engage in applicant screening as further defined in Section 1.08 of this Administrative Plan. Applicant screening for purposes of determining suitability for occupancy is the responsibility of the project owner and must be conducted in conjunction with the project’s approved affirmative fair housing marketing plan and should not be confused with HCR’s responsibility as PHA to determine PBV eligibility.

### 25.07 HQS/Inspections

HCR will ensure PBV units are in accordance with the Housing Quality Standards (HQS) found at 24 CFR 983.101, 982.401 and this Administrative Plan. Unit inspections will be conducted in accordance with requirements found at 24 CFR 983.103.

#### 25.07.01 New/Turnover, Annual and Special Inspections

- **New:** All units must fully comply with HQS standards prior to executing a PBV HAP contract.

- **Turnover:** At turnover, the LA must inspect and pass each vacated unit before providing assistance to a new family.

- **Annual Inspections.** The LA must inspect, by way of random sample, at least 20% of the contract units in each project on an annual basis to ensure the units are maintained in accordance with HQS regulations. Turnover inspections may not be counted towards
meeting the required 20%. If more than 20% of the inspected units fail inspection, the PHA must re-inspect all units in the building.

- Special Inspections: The LA will inspect units per request by participant/tenant as needed to ensure contracted units comply with HQS.

LA owned units shall be inspected by an independent third party as approved by HCR. PHA-owned units shall be inspected by an independent third party approved by HUD.

### 25.08 Over-Housed, Under-Housed and Accessible Units

In accordance with Section 983.260 of PBV regulations, a family in the Project-Based Voucher Program must occupy an appropriately sized unit as defined in Section 10.0 of this Administrative Plan. If a family is occupying a wrong-sized unit (and there has not been a reasonable accommodation granted) the LA must notify the family and project owner within 30 days of its determination the requirement to move and offer of continued assistance under the program.

If one family is occupying a unit with accessibility features they do not require and another family on the wait list is need of a unit with these features, the LA must notify the family currently occupying the unit within 30 days of its determination the requirement to move and offer of continued assistance in a unit not designated as accessible under the program.

Continued assistance is defined as the following, in preferential order:

1) PBV assistance in an appropriate-sized and/or non-designated accessible unit under contract within the same project;
2) Next available tenant-based voucher assistance.

When the LA offers the family project assistance, the family will be given a reasonable timeframe to move, however, not to exceed 180 days from the date the family is notified. The LA may grant extensions if needed for reasons beyond the family’s control such as death, serious illness, or other medical emergency of a member of the household or as a reasonable accommodation. The extension (and justification) must be documented and placed in the file.

If a tenant-based voucher is issued, the family must follow the same guidance, policies and procedures for reasonable timeframes and extensions as required under tenant-based voucher assistance.

If the family does not accept the offer for continued assistance, does not move out of the PBV unit within a reasonable time as determined by the PHA or both, the PHA must terminate the HAP payments for the wrong-sized unit at the expiration of the voucher issued to the family (if applicable) or reasonable timeframe as determined by the PHA. **If three (3) years has transpired since the execution of the PBV HAP contract, the unit must be permanently removed from the contract.**
25.09 Vacancy Payments

As provided for in Section 983.352 of PBV regulations, it is the sole election of the PHA whether or not vacancy payments will be provided. HCR’s policy does NOT provide for vacancy payments. This decision applies to all current and future PBV contracts and will be indicated by striking the discretionary vacancy payment language within the HAP Contract.

25.10 Project Cap

While there is currently no limitation on the number of PBV units contracted per project, should assistance for the number of units designated as PBV exceed the greater of 25 units or 25% of the total number of units for that project (50% for PBV contracts converted under the Rental Assistance Demonstration (RAD) Program), there must be an established agreement to provide supportive services to those families that exceed the greater of 25 units or 25% (50% for PBV contracts converted under RAD) threshold cap. (See 25.11 for PBV’s Supportive Service Requirements)

It is the responsibility of the project sponsor/management to either: (1) directly provide Supportive Services requirements or, (2) contract with an entity acceptable to HCR who will be responsible for ensuring fulfillment of required supportive services.

PBV units will be excepted from the 25 units or 25% per project cap if they are specifically earmarked for qualified families. Qualified families are elderly families or families already receiving supportive services.

(This clause applies only to those contracts initially executed prior to April 18, 2017)
If a family residing in a unit excepted because of supportive services fails to comply with any of the supportive service requirements, the family’s assistance will be terminated in accordance with HUD requirements and may also be subject to eviction.

25.11 Supportive Service Requirements

In fulfilling the requirement for those units exceeding the 25 units or 25% threshold cap, the purpose of PBV supportive services is to create an opportunity for families receiving Section 8 rental assistance to improve and develop their ability to increase employment opportunities and enhance the life skills needed to become self-sufficient. This is accomplished by combining Section 8 rental assistance, case management, and the coordination of services to help participating households achieve economic self-sufficiency as well as financial fitness, and maintain a lifestyle independent of public assistance. Supportive services families are offered a variety of ways to learn new skills, enhance existing talents and meet people who share similar goals for themselves and their families.
The project sponsor/management is responsible for providing a Supportive Services Coordinator. The Coordinator may be HCR’s Local Administrator or one of the project sponsors choosing providing the entity chosen outlines a plan that fulfills the supportive service obligations as set forth in this Administrative plan. Service provider plans must be submitted to, and approved by NYS HCR and the Local Administrator prior to execution of the HAP Contract.

The “excepted” families receiving Project-Based Voucher rental assistance must meet with the local Supportive Services Coordinator to review the program participation requirements and the Contract of Participation (COP). Individual Training and Services Plans (ITSPs) are developed to identify and establish participant goals. ITSP contracts must be entered into a minimum of three (3) years and may include participation of any member but must include participation of at least the head of household. Participating families are required to play a part in ongoing case management to assist them in identifying and addressing obstacles, identifying resources, and ultimately achieving their self-identified goals. The ITSP may be amended during the term of the COP.

25.11.01 Requirements

To be eligible for this exception, a family must be eligible for services in at least one of the categories listed in the ITSP and the project must offer services to all assisted families services:

- Child care
- Education
- Job training and employment counseling
- Transportation (for job training, skills training, counseling or education only)
- Substance/alcohol abuse treatment or counseling
- Household skill training
- Homeownership counseling

(This clause applies only to those contracts initially executed prior to April 18, 2017)

The household is obligated to participate in this service program as a condition of participation in the PBV program. As a requirement for graduation and service exception, each participant must complete a minimum of three (3) goals as highlighted in their ITSP (as chosen from any one or more approved category), and participate for a minimum of three (3) years. Failure by the household to meet its service obligation without good cause will require termination of PBV assistance.

The owner may not require the tenant to pay charges for any supportive services required for compliance with the PBV cap.

25.11.02 Compliance Monitoring

The project management will be responsible for regularly monitoring the supportive services requirements for the excepted units and must submit to the NYS HCR Local
Administrator, at least annually, a report listing the families, the types of services provided and accessed, and the frequency of that access. In addition, periodic progress will be monitored by the project jurisdiction’s NYS HCR Local Administrator and by means of Statewide Section 8 Program Representatives during execution of SEMAP audits.

25.12 Determination and Redetermination of Rent

HCR will not approve and the owner may not receive any increase in rent until and unless the owner has complied with all requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

(A) HCR will redetermine the rent to owner:

(1) Upon the owner's request (only at the annual anniversary of the HAP contract);

(2) When there is a ten percent or greater decrease in the published FMR in accordance with §983.301&§983.302; or

(3) Should the current rent to owner, as a result of a drop in the FMR as determined and published annually by HUD, exceed 110% of the fair market rent for each applicable unit bedroom size.

25.12.01 Rent Increase Request Process

The owner must submit a rent increase request in writing, which must be received no less than 60 days prior to the annual anniversary of the HAP contract to be effective at the start of the HAP contract anniversary.

The approved rent must be the lesser of:

(1) 110 percent of the applicable fair market rent for the unit bedroom size;
(2) The reasonable rent; OR
(3) The rent requested by the owner.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. Any adjusted rent to owner amount applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

If a rent increase request is received between 14 and 60 days prior to the HAP contract anniversary date, the rent may be approved for the contract anniversary date but will not be implemented until the first day of the month following the 60 day timeframe after receipt of the owner’s request. Any request received after this period will not be considered until the following annual anniversary.

The approved rent must be the lesser of:

(1) 110 percent of the applicable fair market rent for the unit bedroom size;
(2) The reasonable rent; OR
(3) The rent requested by the owner.
In addition to the rent limits detailed above, additional restrictions apply as follows:

1) Rents for units assisted under the HOME program may not exceed those rents established for the HOME program;

2) Rents for units in a HUD Section 236 insured or non-insured project, a HUD Section 221(d)(3) project or a Rural Development Section 515 project may not exceed the Basic Rent as determined in accordance with those federal programs.

Any rent adjustment approved by HCR constitutes an amendment of the rent to owner specified in the HAP contract.
Section 26.0: ENHANCED VOUCHER ASSISTANCE

All provisions of the Housing Choice Voucher Program apply to Enhanced Voucher Assistance, except as indicated below.

Enhanced Vouchers (EVs) are used to preserve housing units that might otherwise be lost due to housing conversion actions such as mortgage prepayments, project-based opt-outs or other HUD initiated actions. Enhanced voucher assistance, also known as “sticky” or conversion vouchers, applies only if the voucher holder stays in the conversion project. If the family moves outside of the development at any time after receiving enhanced voucher assistance, the voucher reverts to a regular voucher and those program rules and payment standards apply.

26.01 Eligibility

As stated above, enhanced vouchers assist families living in projects for which the owner has engaged in a HUD initiated housing conversion action. In those cases, HUD provides EVs to income eligible families occupying eligible units on the conversion date to preserve the affordability of those existing residential units. The number of eligible units, as determined by HUD, is based on the number of units being assisted under the former multi-family housing program. That is, the number of units converted to enhanced voucher assistance is based only on the number of units directly impacted by the housing conversion, which may or may not be the total number of units within the project.

To obtain an EV, an eligible family must be residing in the project on the date of the conversion. The conversion date is identified as either the contract expiration date or effective date of the mortgage prepayment or voluntary termination of the mortgage insurance. The family must also be established as eligible for the housing choice voucher program in accordance with a modified income eligibility determination set forth in HUD Notice 2001-41:
For conversions due to federal mortgage prepayment, refinancing or insurance termination, a family’s gross income must not exceed 95% of area median income (AMI).
For conversions due to owner opts-out (owner’s electing not to renew an expiring project-based assistance contract), a family’s gross income must not exceed 80% of area median income (AMI).

26.02 HAP/Tenant Share – Minimum Rent

Families assisted with enhanced voucher assistance remaining in the project are required to have a special statutory minimum rent requirement. For those families previously unassisted, the enhanced voucher minimum rent is whatever payment the family was making towards the gross rent on the conversion date. For those families previously assisted with PBV’s or TBVs the enhanced voucher minimum rent is the higher of TTP or the payment the family was making on the conversion date. This rent is identified as the original enhanced voucher minimum rent as referenced later in this section.
Minimum rent as described above, must be determined even if the amount exceeds 40% of the family’s monthly income.

The method for calculating the minimum rent changes if the family’s income significantly decreases (15% or more) from what their gross income was on the effective date of the eligibility event or conversion. Once this occurs the enhanced voucher minimum rent is no longer established as the dollar amount as listed above, but instead becomes the greater of: a) the percentage of adjusted monthly income the family was paying for gross rent at the time of the eligibility event, or b) 30% of their current adjusted monthly income. After the enhanced voucher minimum rent for the family is changed from the dollar amount to the percentage of income calculation, the enhanced voucher minimum rent will remain that specific percentage of income so long as the family receives enhanced voucher assistance.

If, however, the family’s income subsequently increases to an amount where the dollar value of the family’s enhanced voucher minimum rent, now calculated by the established percentage, is more than the original enhanced voucher minimum rent, the family’s enhanced voucher minimum rent reverts to the original enhanced voucher minimum rent. The original enhanced voucher minimum rent is the maximum enhanced voucher minimum rent that will be applied to the family.

26.03 Payment Standard

The EV payment standard must equal the gross rent, even if the gross rent exceeds the normally applicable payment standard so long as the LA determines the requested rent is reasonable. If the owner raises the rent for a family assisted with an enhanced voucher in accordance with all applicable laws and program regulations, the LA must increase the enhanced payment standard to equal the new gross rent (contract rent + utility allowance) for the unit, provided the rent is again determined reasonable. The rent, however, may not exceed currently published HCV program rent limits.

For clarification purposes, and per HUD directive, HCR’s subsidy standard guidelines must be followed for EVs when determining voucher size as found in Section 10 of this Administrative Plan.

26.04 Income-Targeting Requirement

Families admitted to the tenant-based voucher program as a result of a housing conversion action are not subject to the income targeting requirements of the tenant-based program, and their admission is not counted in determining whether the PHA is complying with the income targeting requirement.
26.05 Zero Housing Assistance Payments at Initial Conversion

In cases where a family is eligible for Enhanced Voucher Assistance or Project Based Voucher assistance (under RAD) at initial conversion but there is no initial Housing Assistance Payment (HAP), and the family continues to reside in the project/development, the following guidelines must be complied with:

If it is determined that a family is income eligible for an Enhanced Voucher but there is no HAP payment because the family’s total tenant payment (TTP) is equal to or greater than the gross rent, the LA must inform the family that if there is a decrease in income or an increase in rent within five (5) years of the initial eligibility determination, the family may inform the LA of the change. It is the family’s responsibility to notify the LA of the change.

In addition, the LA must maintain a record of the family’s initial income determination.
Section 27.0 SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) & QUALITY CONTROL REVIEWS/AUDITS

NYS HCR reserves the right to conduct SEMAP audits, quality control reviews and/or implement corrective action plans in each of its local programs. The reviews will be scheduled at NYS HCR’s discretion and will cover any period of time as deemed appropriate, however, will likely cover the most recent fiscal year(s) (April 1st of year 1 through March 31st of year 2).

Review List for Section Eight Management Assessment Program

Policy Areas:
If a waiting list preference was authorized for a county in your jurisdiction please provide a copy of the authorization.

Staff: A list of housing caseworkers and/or housing inspectors.

Indicator #1 Selection from the Waiting List

- A list of ineligible applicants for the requested fiscal year (4/1-3/31). The list should include the following types of applicants: expired vouchers, over income, returned mails, no show (i.e.; applicants that did not keep the scheduled briefing appointment), applicants that declined assistance and others (see section 1.07 of HCR’s Administrative Plan).

- New Admissions: A list with the names of total new admissions for the current and previous fiscal year.

- Income Targeting: 30 Percent Income Targeting Report for the current and previous fiscal year.

- Copy of Income Limits for current and previous fiscal year.

- Copy of the Top 100 Applicants of the Current Waiting List (sorted by position)

Indicator #2 Rent Reasonableness

Please provide the auditor with a list of units in the following categories for the requested fiscal year (4/1-3/31):

- Units that had rental rate increases.

- Tenants with new leases including new program participants and current participants that moved to new units.
Tenants that were affected by a 10 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary date.

**Indicator #3 Determination of Adjusted Income**
- The auditor will select the files to be reviewed.

**Indicator #4 Utility Allowance Schedule**
- A copy of the utility allowance schedules for the last two fiscal years (i.e., the one being audited and one prior).

**Indicator #5 HQS Quality Control Inspections**
- A copy of the supervisor or other qualified person quality control re-inspection log. The log should cover the requested fiscal year (4/1-3/31). The log must include the following information: log#, dates of the first and second inspection, the names of both inspectors, and the tenants’ names and unit addresses.

**Indicator #6 Housing Quality Standards (HQS) Enforcement**
- A Copy of the failed inspection log for the requested fiscal year (4/1-3/31). The log should include log#, names and addresses of the tenants, unit fail date, pass date and the name of the inspector.

**Indicator #7 Expanding Housing Opportunities (Metropolitan Statistical Areas only)**
- Applies only to LAs with jurisdiction in metropolitan FMR areas.
  - LAs in affected metropolitan FMR areas should carefully review the requirements of this indicator. Each LA is required to maintain documentation to verify compliance with this indicator.
  - Copies of documents/records

**Indicator #8 FMR Limits and Payment Standards:**
- A copy of FMRs, Payment Standards and Lot rents (if applicable) chart(s) for the current and previous fiscal year.

**Indicator #9 Annual Reexaminations**
- The auditor will review the late annual reexamination reports from the computer and randomly select the number of files to be review.
**Indicator #10 Correct Tenant Rent Calculations**

- The auditor will randomly select the number of files to be reviewed.

**Indicator #11 Pre-contract HQS Inspections**

- The auditor will randomly select the number of files to be reviewed.

**Indicator #12 Annual HQS Inspections**

- The auditor will review the late annual HQS inspection reports from the computer and randomly select the number of files to be review.

**Indicator #13 Lease-Up**

- Copies of the monthly utilization summaries for the current fiscal year.

**Indicator #14 Family Self Sufficiency Enrollment (If Applicable)**

Applies only to LAs who are required to administer an FSS program.

A list/chart identifying the following:

- The number of mandatory FSS slots.

- The number of families that successfully completed their contract on or after 10/21/98.

- The number of FSS families currently enrolled.

- The number of FSS participants with escrow balances.

**De-concentration Bonus Indicator** (Optional and only for LAs with jurisdiction in metropolitan FMR areas).

- If you are eligible to receive points for this indicator please carefully review the requirements and submit the documents to substantiate your eligibility.
NOTE: The sample of files to be reviewed for each SEMAP Indicator will be based on the size of the universe as indicated below (unless otherwise noted).

<table>
<thead>
<tr>
<th>Universe</th>
<th>Minimum number of files or records to be sampled</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or less</td>
<td>5</td>
</tr>
<tr>
<td>51-600</td>
<td>5 plus 1 for each 50 (or part of 50) over 50</td>
</tr>
<tr>
<td>601-2000</td>
<td>16 plus 1 for each 100 (or part of 100) over 600</td>
</tr>
<tr>
<td>Over 2000</td>
<td>30 plus 1 for each 200 (or part of 200) over 2000</td>
</tr>
</tbody>
</table>

In addition to other documents, records and reports that are required to be maintained for the SEMAP review, each LA must maintain the following information for each of the SEMAP indicators identified below:

**Additional requirements below:**

**Indicator #5: HQS Quality Control Inspections**

A **Supervisory Inspection Log**, including:

- log #
- dates of the first and second inspections;
- names of the first and second inspectors; and
- each tenant’s name and address.

**Indicator #6: HQS Enforcement**

A **Failed Inspection Log**, including:

- log #
- each tenant’s name and address;
- name of inspector(s);
- date(s) of each failed inspection, and
- date the unit passed inspection (if applicable).
Section 28.0 - Violence Against Women Act (VAWA)

VAWA - Determination Eligibility for VAWA Protections

The Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule (VAWA Final Rule, published at 81 Fed. Reg 80724 (November 16, 2016) provides that an applicant for assistance or a tenant/participant receiving assistance may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. (See 24 CFR 5.2005(b)(1)). This Section 6.04 provides an overview of certain provisions of the VAWA Final Rule. It is the responsibility of the LA to fully comply with the requirements of the VAWA Final Rule at 24 CFR 5, Subpart L, as well as any subsequent amendments or updates to the Final Rule and guidance regarding the Final Rule.

In addition to prohibiting a denial, termination or eviction based on the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, the VAWA Final Rule prohibits an applicant or a tenant/participant from being denied assistance or admission, terminating participation in, or evicting a tenant based on the collateral consequences of being a survivor of VAWA protected crimes. This type of collateral consequence is referred to as an adverse factor, and may include poor rental or credit history or a criminal record that directly results from being a victim of domestic violence, dating violence, sexual assault or stalking.

VAWA protections cover tenants and assisted families, as defined under applicable program regulations, as well as applicants when they are applying for admission. VAWA protections apply to applicants and tenants/participants regardless of sex, gender identity or sexual orientation.

Local administrators (LAs) are not required to ask for documentation when an individual presents a claim for VAWA protections; the LAs may instead provide benefits based solely on the individual’s verbal statement or other corroborating evidence.

VAWA – Notice of Occupancy Rights and the Certification Form

LAs must provide to each of its applicants and to each of its tenants the notice of occupancy rights (HUD model form 5380) and the certification form (HUD model form 5382) no later than at each of the following times: (i) At the time the applicant is denied assistance or admission; (ii) At the time the individual is provided assistance or admission; (iii) With any notification of eviction or notification of termination of assistance; (iv) During the 12-month period follow December 16, 2016, either during the annual recertification process. See 24 CFR 5.2005(a)(ii)(C)(2) for more information.

The notice required must be made available in multiple languages, translated copies are available to LAs on the HUD website. See 24 CFR 5.2005(a)(ii)(C)(3) for more information.
Furthermore, for the Housing Choice Voucher program the HUD-required lease, lease addendum, or tenancy addendum, as applicable, must include a description of specific protections afforded to the victims of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR 5.2005. See 24 CFR 5.2005(a)(ii)(C)(4) for more information.

**VAWA – Emergency Transfer Plan**

Each LA shall adopt the emergency transfer plan for the Housing Choice Voucher Program to ensure compliance with 24 CFR 5.2005(e).

**VAWA - Certification and Documentation**

The VAWA Final Rule prohibits a covered housing provider from requiring the victim to provide third-party documentation of victim status, unless:

1. More than one applicant or tenant provides documentation to show they are victim of domestic violence, dating violence, sexual assault or stalking, and the information in one person’s documentation conflicts with the information in the other person’s documentation; or
2. Submitted documentation contains information that conflicts with the existing information already available to the PHA or owner.

In these circumstances, the regulations at 24 CFR 5.2007(b)(2) allow a PHA or owner to require the applicant(s) or tenant(s) to submit third-party documentation that meets the criteria provided in 24 CFR 5.2007(b)(1)(ii), (b)(1)(iii), or (b)(1)(iv).

**VAWA – Recordkeeping and Reports**

Each LA must keep a record of all emergency transfer requests under the emergency transfer plan and the outcomes of such requests. These records must be maintained for a period of three years. LAs must be able to provide copies of the records upon request to the State for compliance monitoring. See 24 CFR 5.2005(e)(12) for more information.

**Reasonable Time to Establish Eligibility Following Bifurcation of a Lease**

The VAWA Final Rule at 24 CFR 5.2009(b) provides that a tenant who is a victim of domestic violence, dating violence, sexual assault or stalking has a reasonable time period to establish eligibility under the covered housing program or find alternative housing following lease bifurcation in situations where the individual who was evicted or for whom assistance was terminated was the eligible tenant. LAs should be aware that all VAWA-related documentation must be maintained in confidence. LAs must observe confidentiality requirements set forth in 24 CFR 5.2007(c) and HUD Model form 5380 - the Notice of Occupancy Rights under the Violence Against Women Act.

**Termination of the victim Due to Actual and Imminent Threat**

The LA or owner is not prohibited from terminating assistance or evicting a tenant if the LA or owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 24 CFR 5.2005(d)(3).)
Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers
New York State Housing Choice Voucher (NYS HCR HCV) Program is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), NYS HCR HCV PROGRAM allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of NYS HCR HCV PROGRAM to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether NYS HCR HCV PROGRAM has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

NOTE: NYS HCR HCV PROGRAM is a voucher-only program and does not own dwelling units, therefore NYS HCR HCV PROGRAM has no dwelling units available to offer tenants for temporary or permanent occupancy. This plan identifies tenants who are:

1. eligible for an emergency transfer;
2. the documentation needed to request an emergency transfer;
3. confidentiality protections;
4. how an emergency transfer may occur; and
5. guidance to tenants on safety and security.

This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that New York State Homes and Community Renewal Housing Choice Voucher Program is in compliance with VAWA.

Eligibility for Emergency Transfers
A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

- A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
- Tenants who are not in good standing may still request and be granted an emergency transfer if they meet the eligibility requirements in this section.
Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify their local administrator (LA). The LA will provide the tenant with Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD model form 5383). The LA must provide the tenant/participant with the Notice of Occupancy Rights at the time a tenant or participant requests an emergency transfer.

LAs can find translations of these forms on the HUD website. Furthermore, LAs are required to provide reasonable accommodations to this policy for individuals with disabilities. The tenant’s oral or written request for an emergency transfer must include:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under NYS HCR HCV PROGRAM; OR

2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant’s request for an emergency transfer.

Confidentiality

NYS HCR HCV PROGRAM and LAs will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives NYS HCR HCV PROGRAM or their LA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See 24 CFR 5.2007(c) and HUD Model form 5380 - the Notice of Occupancy Rights under the Violence Against Women Act for more information about NYS HCR’s HCV PROGRAM’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

LAs cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. LAs will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. LAs may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If an LA has no safe and available units for which a tenant who needs an emergency transfer is eligible, LAs will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant’s request, LAs will also assist
tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

**Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Attachment 1 to this Emergency Transfer Plan is a list of local organizations that support individuals who are or have been victims of domestic violence, as well as housing and legal service providers that should be provided to tenants requesting transfer.

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network’s National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online/.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

**Additional Information**

- You may view a copy of HUD’s final VAWA rule at:

## Glossary

### I. Acronyms Used in the NYS HCR Section 8 Administrative Plan

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>ACC</td>
<td>Annual Contributions Contract</td>
</tr>
<tr>
<td>ADA</td>
<td>American Disabilities Act</td>
</tr>
<tr>
<td>AHAP</td>
<td>Agreement to Enter Into a Housing Assistance Payments [Contract] - HUD Form 52521</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>COP</td>
<td>Contract of Participation</td>
</tr>
<tr>
<td>DHS</td>
<td>U.S. Department of Homeland Security</td>
</tr>
<tr>
<td>DOB</td>
<td>Date of Birth</td>
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<tr>
<td>DTDB</td>
<td>Debt Termination Data Base</td>
</tr>
<tr>
<td>EIV</td>
<td>Enterprise Income Verification System</td>
</tr>
<tr>
<td>EOP</td>
<td>End of Participation</td>
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<tr>
<td>FBI</td>
<td>Federal Bureau of Investigation</td>
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<tr>
<td>FHA</td>
<td>Federal Housing Administration</td>
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<tr>
<td>FEHO</td>
<td>NYS HCR Fair and Equitable Housing Office</td>
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<tr>
<td>FHEO</td>
<td>Fair Housing and Equal Opportunity</td>
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<td>FMR</td>
<td>Fair Market Rent</td>
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<td>FUP</td>
<td>Family Unification Program</td>
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<td>Fiscal Year</td>
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<td>Housing Assistance Payments</td>
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<td>New York State Homes and Community Renewal</td>
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<td>HCV</td>
<td>Housing Choice Voucher</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>HQS</td>
<td>Housing Quality Standards</td>
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<tr>
<td>HTFC</td>
<td>NYS Housing Trust Fund Corporation</td>
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<td>HUD</td>
<td>U.S. Department of Housing and Urban Development</td>
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<td>ICN</td>
<td>Individual Control Number</td>
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<tr>
<td>ITSP</td>
<td>Individual Training and Service Plan</td>
</tr>
<tr>
<td>LA</td>
<td>NYS HCR Local Section 8 Program Administrator</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>NCIC</td>
<td>FBI National Crime Information Center</td>
</tr>
<tr>
<td>NED</td>
<td>Non-Elderly Families with Disabilities</td>
</tr>
<tr>
<td>NHTD</td>
<td>Nursing Home Transition and Diversion Housing Subsidy Program</td>
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<td>NOCA</td>
<td>Notice of Credit Availability</td>
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<td>NOFA</td>
<td>Notice of Funding Availability</td>
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<td>NeighborWorks America</td>
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<td>New York State</td>
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<td>OFD</td>
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<td>NYS Office of Temporary and Disability Assistance</td>
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<td>Project-Based Voucher</td>
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<td>Public Housing Agency</td>
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<td>PIH</td>
<td>HUD Office of Public and Indian Housing</td>
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<tr>
<td>RAD</td>
<td>Rental Assistance Demonstration Program (HUD)</td>
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<tr>
<td>RESPA</td>
<td>Real Estate Settlement Procedures Act</td>
</tr>
<tr>
<td>RFP</td>
<td>Request for Proposal</td>
</tr>
</tbody>
</table>
RPC    Rural Preservation Company
RTA    Request for Tenancy Approval
SAVE   USCIS Systematic Alien Verification for Entitlements
SEMAP  Section 8 Management Assessment Program
SHCVS  NYS HCR Section 8 Housing Choice Voucher System
SSA    U.S. Social Security Administration
SSI    Supplemental Security Income (SSA)
TANF   Temporary Assistance for Needy Families
TTP    Total Tenant Payment
US     United States of America
USCIS  U.S. Citizenship and Immigration Services (DHS)
USDA – RD U.S. Department of Agriculture – Rural Development
VASH   Veterans Affairs Supportive Housing
VAWA   Violence Against Women Act of 1994
WTW    Welfare to Work
II. DEFINITION OF TERMS USED IN THE NYS HCR SECTION 8 ADMINISTRATIVE PLAN:

1937 ACT: United States Housing Act of 1937

ADMINISTRATIVE FEE: Fee paid by HUD to the PHA for administration of the program.

ADMINISTRATIVE PLAN: The document that describes PHA policies for administration of the tenant-based programs.

ADULT: An individual who is 18 years of age or older or a minor under the age of 18 who has been emancipated to act on his/her own behalf, including the ability to execute a contract or lease.

AMERICANS WITH DISABILITIES ACT: Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

ANNUAL INSPECTION: See Section 23.01

ANNUAL RECERTIFICATION: Annual review of the participant’s household income to determine continued eligibility for Section 8 housing choice voucher rental assistance.

APPLICANT or APPLICANT FAMILY: A family that has applied for admission to a program but is not yet a participant in the program.

BRIFING PACKET: The information packet that families selected to participate in the housing choice voucher program receive during the briefing appointment.

COMPLAINT INSPECTION: See Section 23.01

CONTINUOUSLY ASSISTED: An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the certificate or voucher program.

CREDIBLE EVIDENCE: See Section 9.03.

CURRENT FEDERAL MINIMUM WAGE: The federal minimum wage at the time of the inquiry (as indicated by the US Department of Labor).

DEPENDENT: A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.
DIFFERENT GENERATIONS: Different generations are defined as “family members from different eras (i.e., grandparents/parents; parents/children, etc.)”

DISABLED FAMILY: A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides. (See Section 4.01)

DISPLACED FAMILY: See Section 4.01.

DOMESTIC VIOLENCE: Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, 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.

DOMICILE/UNIT: The legal residence of the household head or spouse as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY: The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

ELDERLY FAMILY: A family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

EMERGENCY INSPECTION: See Section 23.01

EXCEPTION PAYMENT STANDARDS: A PHA may request HUD approval of payment standard amounts higher or lower than the established 40th or 50th percentile FMR for designated parts of the FMR area (the “exception areas”). The exception payment standard amounts may be for all units in the exception areas, or for all units of a given bedroom size in these areas.

EXTREMELY LOW-INCOME FAMILY: A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

FAIR HOUSING ACT: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).
FAIR MARKET RENT: The rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone).

FAMILY GUEST: A guest who resides in the unit for less than 30 days in a calendar year (see Section 4.02, page 4-2)

FAMILY SELF-SUFFICIENCY PROGRAM: The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services.

FEDERAL REGISTER: The official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FISCAL YEAR. The HCR Section 8 Program fiscal year commences on April 1 and ends on March 31.

FORM 50058: The HUD Form 50058 is used by PHAs to collect information on families who participate in Public Housing or Section 8 rental subsidy programs and is used to determine the participant family's continued eligibility for assistance.

FRAUD: The intentional, false representation (i.e., false written statements, altered or forged documents) or concealment of a material or material facts for the purpose of convincing another to act upon it to the presenters’ benefit.

HEAD OF HOUSEHOLD: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

HEARING OFFICER: The hearing officer in the LA program is either of the following: a staff person who is at the Casework Supervisor level or above; the Program Director or Executive Director (if not the same person who made the initial decision to deny assistance); or an individual from outside the LA. (See Section 13.05).

HOMELESS DEFINITION: Category 1: An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or

An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

Category 4: Any individual or family who:
I. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and
II. Has no other residence; and
III. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

HOUSEHOLD: All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

HUD–APPROVED HOUSING COUNSELING AGENCY: A public or private nonprofit agency that has met the qualifying criteria for administering the HUD Housing Counseling Program.

INFORMAL HEARING: The LA will give a participant family an opportunity for an informal hearing to consider whether the following LA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and LA policies. (See Section 14.02).

INFORMAL MEETING: If the LA denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal meeting (not an informal review) with LA staff to discuss the reasons for the denial (see Section 13.01).

INFORMAL REVIEW: The LA will give an applicant an opportunity for an informal review of the LA’s decision denying assistance to the applicant. Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract.

INITIAL INSPECTION: See Section 23.01

INITIAL PHA: The term refers to both a PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and a PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

INTERIM RECERTIFICATION: Interim review of the participant’s household income (based on extenuating circumstances) to determine continued eligibility for Section 8 housing choice voucher rental assistance.
**JURISDICTION:** The area in which the PHA has authority under State and local law to administer the program.

**LANDLORD:** See OWNER.

**LA NETWORK:** The HCR local programs that to assume day-to-day responsibility for administration of the HCV Program in its designated local area of operation. The divisions of responsibilities are detailed in a contract between HCR and each of its LAs.

**LEGAL DOMICILE:** See Section 1.17

**LIVE-IN AIDE:** A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who is determined to be essential to the care and wellbeing of the person(s); is not obligated for the support of the person(s); and would not be living in the unit except to provide the necessary supportive services. Occasional, intermittent, multiple, or rotating care givers typically do not meet the definition of a live-in aide. Live-in Aides must be certified annually.

**MOBILITY COUNSELING:** A counseling program to help housing choice voucher recipients to find housing outside of minority and/or poverty concentrated areas.

**NON-RESIDENT:** Refers to an applicant who does not reside in the jurisdiction in which he/she is applying for housing choice voucher rental assistance.

**OVER-HOUSED:** Applicable to families residing in units where the actual number of bedrooms exceeds the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.

**OWNER:** Any private person or entity, including a cooperative, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.

**PARTICIPANT WITH OR WITHOUT CHILDREN:** See Section 4.01.

**PAYMENT STANDARDS:** The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

**PORTABILITY:** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.

**PRE-MERGER CERTIFICATE OR VOUCHER PROGRAMS:** The Section 8 programs that were administered prior to enactment of the Quality Housing and Work Responsibility Act of 1998 (QHWRA).
PREMISES: The unit subsidized or, in the case of a multiple dwelling, any area within the property that the housing unit is in.

PREPONDERANCE OF EVIDENCE: See Sections 1.09 and 9.03

PROGRAM REPRESENTATIVE: The HCR Statewide Section 8 Voucher Program designated liaison to the LA program.

PROJECT: For purposes of the PBV program, is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land so long as the contiguous parcels are owned by the same entity.

PUBLIC HOUSING AGENCY: Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

REASONABLE ACCOMMODATION: A change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. In order to show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. What is reasonable must be determined on a case-by-case basis.

REASONABLE RENT: The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider the location, quality, size, unit type, and age of the contract unit; and any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

RECEIVING PHA: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

RENT TO OWNER: The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

ROOMMATE: An individual, with or without dependent children, who is not a family member and is approved by the Local Administrator and by the landlord, provided that the voucher holder or the voucher holder’s spouse occupies the unit as their only residence (see Section 4.02)

SECTION 8 HOMEOWNERSHIP PROGRAM: Allows low-income families who qualify for Section 8 rental assistance to use their certificates or vouchers to pay for homeownership costs under a mortgage.

SINGLE PERSON: See Section 4.01
SPECIAL INSPECTION: See Section 23.01

STATEWIDE SECTION 8 NOTICES: Policy and/or informational guidance notices issued by the NYS HCR Statewide Section 8 Voucher Program to the LA network.

STATEWIDE SECTION 8 VOUCHER PROGRAM OFFICE: The HCR Offices in Albany, New York; New York City, NY; and Syracuse New York where the day-to-day operations of the HCR Statewide Voucher Program are administered.

SUBSIDY STANDARDS: Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUPERVISORY INSPECTION: See Section 23.01.

SUSPENSION/TOLLING: Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval of the tenancy, until the time when the PHA approves or denies the request.

TOTAL TENANT PAYMENT: The total tenant payment (TTP) represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected.

UNDER-HOUSED: Applicable to families residing in units where the actual number of bedrooms is fewer than the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.

UTILITY ALLOWANCE: The utility allowance for a family shall be the lower of:

1. The utility allowance amount for the family unit size; or
2. The utility allowance amount for the unit size of the unit rented by the family.

If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

VIOLENT CRIMINAL ACTIVITY: Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
VOUCHER: The voucher document is administered locally by a public housing agency (PHA) that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program. A family that is issued a housing voucher (HUD Form 52646) is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum standards of health and safety, as defined by HUD and determined by the PHA.

VOUCHER HOLDER: The person or family to whom the voucher has been issued.

WAITING LIST: The LA program’s list of eligible applicants awaiting availability of section 8 rental assistance.

WEEKEND INSPECTIONS: Unit/HQS inspections that have been scheduled between the LA program and tenant/participant that occur on a Saturday or Sunday in order to accommodate the participant’s or landlord’s schedule or that are determined necessary by the LA program to observe conditions for quality control purposes.
Chapter 1 New York State Homes & Community Renewal: VAWA Resource Guide

Chapter 2 New York State Agencies

Chapter 3 Non-Profit Service Providers

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<td><strong>STATEWIDE</strong></td>
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<tr>
<td>New York State Coalition Against Domestic Violence</td>
<td><a href="https://www.nyscadv.org/find-help/">https://www.nyscadv.org/find-help/</a></td>
<td>N/A</td>
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<tr>
<td>New York State Domestic Violence 24-Hour Hotline</td>
<td>N/A</td>
<td>N/A (800) 942-6906</td>
<td>(English and multi-language accessibility) or 711 for Deaf or Hard of Hearing</td>
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<td><strong>MULTIPLE COUNTIES (BUT NOT STATEWIDE)</strong></td>
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<td>Legal Assistance of Western New York</td>
<td><a href="https://www.lawny.org/node/108/contact-us">https://www.lawny.org/node/108/contact-us</a></td>
<td>(315) 781-1465 (main number)</td>
<td>Provides free legal aid to people with civil legal problems across western New York</td>
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<tr>
<td>Worker Justice Center of New York</td>
<td><a href="http://www.wjcny.org/">http://www.wjcny.org/</a></td>
<td>(585) 325-3050</td>
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<tr>
<td><strong>ALBANY</strong></td>
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<tr>
<td>In Our Own Voices LGBT Domestic Violence Support Line</td>
<td><a href="http://inourownvoices.org/index.html">http://inourownvoices.org/index.html</a></td>
<td>(518) 432-4188</td>
<td>Provides non-residential domestic violence services (Monday - Friday 9:00 AM - 9:00 PM).</td>
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<td>Mercy House – For Women</td>
<td>N/A</td>
<td>(518) 434-3531</td>
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<td>Albany Law School Clinics</td>
<td><a href="http://www.albanylaw.edu/centers/clinics/clinics/Pages/default.aspx">http://www.albanylaw.edu/centers/clinics/clinics/Pages/default.aspx</a></td>
<td>(518) 445-2328</td>
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<td><strong>ALLEGANY</strong></td>
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<td>ACCORD Corporation Domestic Violence Services</td>
<td><a href="http://accordcorp.org/menus/domestic-violence-services.html">http://accordcorp.org/menus/domestic-violence-services.html</a></td>
<td>(800) 593-5322</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td><strong>BROOME</strong></td>
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<td>SOS Shelter, Inc</td>
<td><a href="http://rise-ny.org/">http://rise-ny.org/</a></td>
<td>(607) 754-4340 or (877) 754-4340</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td><strong>BRONX</strong></td>
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<td>Urban Resource Institute</td>
<td><a href="https://uriny.org/">https://uriny.org/</a></td>
<td>(646) 588-0030</td>
<td>Provides both residential and transitional domestic violence services. OCFS Licensed and Approved.</td>
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<td><strong>CATTARAUGUS</strong></td>
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<td>The Salvation Army of Jamestown – Anew Center</td>
<td><a href="http://empire.salvationarmy.org/EmpireNY/anewcenter">http://empire.salvationarmy.org/EmpireNY/anewcenter</a></td>
<td>(800) 252-8748 or (716) 661-3897</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>Salvation Army of Elmira – Safehouse</td>
<td>N/A</td>
<td>(607) 732-1979</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Community Action of Greene County</td>
<td><a href="http://cageny.org/">http://cageny.org/</a></td>
<td>(518) 943-9211</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td>Delaware Opportunities, Inc. – Safe Against Violence</td>
<td><a href="http://delawareopportunities.org/safe-against-violence">http://delawareopportunities.org/safe-against-violence</a></td>
<td>(607) 746-6278 or (866) 457-7233</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td><strong>Haven House-Child &amp; Family Services, Inc.</strong></td>
<td><a href="http://www.cfsbny.org/programs/haven-house/">http://www.cfsbny.org/programs/haven-house/</a></td>
<td>(716) 884-6000 (DV Hotline) (716) 884-6002</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td><strong>Hispanos Unidos de Buffalo, Inc.</strong></td>
<td><a href="http://ebatiz.com/hubwny/home/">http://ebatiz.com/hubwny/home/</a></td>
<td>(716) 481-8867</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td><strong>Neighborhood Legal Services</strong></td>
<td><a href="http://www.nls.org/">http://www.nls.org/</a></td>
<td>(716) 847-0650</td>
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<td><strong>ESSEX</strong></td>
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<td><strong>FULTON</strong></td>
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<td><strong>Family Counseling Center of Fulton County Inc.</strong></td>
<td><a href="http://www.thefamilycounselingcenter.org/index.php">http://www.thefamilycounselingcenter.org/index.php</a></td>
<td>(518) 725-5300</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td>Community Action of Greene County</td>
<td><a href="http://cagcny.org/">http://cagcny.org/</a></td>
<td>(518) 943-9211</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>In Our Own Voices LGBT Domestic Violence Support Line</td>
<td><a href="http://www.inourownvoices.org/">http://www.inourownvoices.org/</a></td>
<td>(518) 432-4341</td>
<td>Provides non-residential domestic violence services (Monday - Friday 9:00 AM - 9:00 PM).</td>
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<td><strong>HAMILTON</strong></td>
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<td><strong>HERKIMER</strong></td>
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<td>Catholic Charities of Herkimer County – Domestic Violence Program of Herkimer County</td>
<td><a href="http://ccherkimercounty.org/services.html">http://ccherkimercounty.org/services.html</a></td>
<td>(315) 866-0458</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td><strong>JEFFERSON</strong></td>
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<td>Jefferson County, Inc.</td>
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<td>OCFS Licensed and Approved.</td>
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<td>Lewis County Opportunities, Inc.</td>
<td><a href="http://www.lewiscountyopportunities.com/">http://www.lewiscountyopportunities.com/</a></td>
<td>(315)376-HELP (4357) or (315) 376-8202</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>Willow Domestic Violence Center (Formerly Alternatives for Battered Women, Inc.)</td>
<td><a href="https://willowcenterny.org/">https://willowcenterny.org/</a></td>
<td>(585)222-SAFE (7233)</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td>Domestic Violence Crime Victim Services</td>
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<td>OCFS Licensed and Approved.</td>
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<td>In Our Own Voices LGBT Domestic Violence Support Line</td>
<td><a href="http://www.inourownvoices.org/">http://www.inourownvoices.org/</a></td>
<td>(518) 432-4341</td>
<td>Provides non-residential domestic violence services (Monday - Friday 9:00 AM -9:00 PM).</td>
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<td>Nassau</td>
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<td>Long Island Anti-Violence Project</td>
<td><a href="http://211longisland.communityos.org/zf/profile/program/id/305965">http://211longisland.communityos.org/zf/profile/program/id/305965</a></td>
<td>(516) 323-0011</td>
<td>Provides non-residential domestic violence services to LGBTQ survivors of intimate partner violence.</td>
</tr>
<tr>
<td>The Safe Center LI</td>
<td><a href="http://www.tscli.org/">http://www.tscli.org/</a></td>
<td>(516) 542-0404</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>New York City</td>
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<tr>
<td>NYC Domestic Violence Hotline</td>
<td>N/A</td>
<td>(800)621-HOPE (4673)</td>
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<tr>
<td>African American Planning Commission</td>
<td><a href="http://aapci.org/site/serenity-house-an-apartment-with-a-view/">http://aapci.org/site/serenity-house-an-apartment-with-a-view/</a></td>
<td>(800) 621-HOPE (4673)</td>
<td>Offers culturally specific services to African Americans</td>
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<td><strong>Organization</strong></td>
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<td>Barrier Free Living</td>
<td><a href="https://www.bflnyc.org/">https://www.bflnyc.org/</a></td>
<td>(212) 677-6668</td>
<td>Offers services to people with disabilities - OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Center Against Domestic Violence</td>
<td><a href="http://www.cadvny.org/">http://www.cadvny.org/</a></td>
<td>(718) 439-1000</td>
<td>OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Connect</td>
<td><a href="http://www.connectnyc.org/Referrals">http://www.connectnyc.org/Referrals</a></td>
<td>(212) 683-0015</td>
<td></td>
</tr>
<tr>
<td>Crime Victims Treatment Center of St. Luke’s Roosevelt Hospital</td>
<td><a href="http://www.cvtcnyc.org/">http://www.cvtcnyc.org/</a></td>
<td>(212) 523-4728</td>
<td></td>
</tr>
<tr>
<td>Day One</td>
<td><a href="https://www.dayoneny.org/">https://www.dayoneny.org/</a></td>
<td>(800) 214-4150</td>
<td></td>
</tr>
<tr>
<td>Food First Family Project, Inc.</td>
<td><a href="http://www.foodfirstinc.com/Contact%20Us.html">http://www.foodfirstinc.com/Contact%20Us.html</a></td>
<td>(877) 230-5705</td>
<td>OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Good Shepherd Services – Safe Homes Project</td>
<td><a href="https://goodshepherds.org/program/safe-homes/">https://goodshepherds.org/program/safe-homes/</a></td>
<td>(718) 499-2151</td>
<td>OCFS Licensed and Approved.</td>
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<tr>
<td>Organization</td>
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<td>Phone Number</td>
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<tr>
<td>Jewish Board Family &amp; Children’s Services</td>
<td><a href="https://jewishboard.org/">https://jewishboard.org/</a></td>
<td>1-(844) ONE CALL</td>
<td>Offers Jewish specific services - OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Legal Services NYC</td>
<td><a href="http://www.legalservicesnyc.org/our-program">http://www.legalservicesnyc.org/our-program</a></td>
<td>(917) 661-4500</td>
<td>Bilingual Spanish/English hotline; offers LGBTQ specific services - OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>NYC Anti-Violence Project</td>
<td><a href="https://avp.org/">https://avp.org/</a></td>
<td>(212) 714-1141</td>
<td>Multilingual hotline; offers Asian specific services - OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Womankind (formerly New York Asian Women's Center)</td>
<td><a href="https://www.iamwomankind.org/">https://www.iamwomankind.org/</a></td>
<td>(888) 888-7702</td>
<td></td>
</tr>
<tr>
<td>New Destiny Housing</td>
<td><a href="http://www.newdestinyhousing.org/">http://www.newdestinyhousing.org/</a></td>
<td>(646) 472-0262 ext. 11</td>
<td></td>
</tr>
<tr>
<td>New Vista for Families, Inc.</td>
<td>N/A</td>
<td>(718) 984-6842</td>
<td>OCFS Licensed and Approved.</td>
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<tr>
<td>ORGANIZATION</td>
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<tr>
<td>Queens Legal Services</td>
<td><a href="http://www.legalservicesnyc.org/our-program/queens">http://www.legalservicesnyc.org/our-program/queens</a></td>
<td>(917)-661-4500</td>
<td>OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Safe Horizon</td>
<td><a href="https://www.safehorizon.org/">https://www.safehorizon.org/</a></td>
<td>(800) 621-4673</td>
<td>OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Sanctuary for Families</td>
<td><a href="https://sanctuaryforfamilies.org/">https://sanctuaryforfamilies.org/</a></td>
<td>(212) 349-6009</td>
<td>OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Urban Justice Center - Domestic Violence Project</td>
<td><a href="https://dvp.urbanjustice.org/">https://dvp.urbanjustice.org/</a></td>
<td>(718) 875-5062</td>
<td>OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Urban Resource Institute</td>
<td><a href="http://urinyc.org/">http://urinyc.org/</a></td>
<td>(888) 279-2211 or (888) 252-2890</td>
<td>OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Violence Intervention Program</td>
<td><a href="http://www.vipmujeres.org/">http://www.vipmujeres.org/</a></td>
<td>(800) 664-5880</td>
<td>24/7 bilingual Spanish/English hotline - OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Volunteers of America, Greater New York</td>
<td><a href="https://www.voa-gny.org/">https://www.voa-gny.org/</a></td>
<td>N/A</td>
<td>OCFS Licensed and Approved.</td>
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<td><strong>NIAGARA</strong></td>
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<tr>
<td>YWCA of Niagara Frontier–</td>
<td><a href="http://www.ywcaniagarafrontier.org/services-at-ywca-niagara-frontier/womens-services/crisis-services/">http://www.ywcaniagarafrontier.org/services-at-ywca-niagara-frontier/womens-services/crisis-services/</a></td>
<td>(716) 433-6716</td>
<td>Provides both residential and non-residential domestic services. OCFS Licensed and Approved.</td>
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<tr>
<td>Alternatives to Domestic Violence</td>
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<td>violence services. OCFS Licensed and Approved.</td>
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<tr>
<td><strong>Oneida</strong></td>
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<td><strong>York</strong></td>
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<tr>
<td>YWCA of the Mohawk Valley</td>
<td><a href="http://ywcamv.org/">http://ywcamv.org/</a></td>
<td>(315) 797-7740</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td><strong>Onondaga</strong></td>
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<td><strong>York</strong></td>
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<tr>
<td>The Salvation Army of the Syracuse Area</td>
<td><a href="http://syracuse.ny.salvationarmy.org/SyracuseNY/Contact">http://syracuse.ny.salvationarmy.org/SyracuseNY/Contact</a></td>
<td>(315) 479-3651</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Frank H. Hiscock Legal Aid Society</td>
<td><a href="https://hlalaw.org/">https://hlalaw.org/</a></td>
<td>(315) 422-8191</td>
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<td><strong>ONTARIO</strong></td>
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<tr>
<td>Family Counseling Services of the Finger Lakes</td>
<td><a href="http://fcsfl.org/">http://fcsfl.org/</a></td>
<td>(800) 695-0390</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>Safe Harbors of the Finger Lakes</td>
<td><a href="http://safeharborsfl.org/">http://safeharborsfl.org/</a></td>
<td>(800) 247-7273</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td><strong>ORANGE</strong></td>
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<tr>
<td>Safe Homes of Orange County</td>
<td><a href="http://safehomesorangecounty.org/">http://safehomesorangecounty.org/</a></td>
<td>(888) 503-4673</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td><strong>ORLEANS</strong></td>
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<tr>
<td>Orleans County Dept. of Social Services</td>
<td><a href="https://www.nyconnects.ny.gov/providers/orleans-county-dept-of-social-services-sofa-ag-376627">https://www.nyconnects.ny.gov/providers/orleans-county-dept-of-social-services-sofa-ag-376627</a></td>
<td>(585) 589-3106</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>PathStone Domestic Violence</td>
<td><a href="https://pathstone.org/">https://pathstone.org/</a></td>
<td>(585) 589-8733</td>
<td>Provides residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Neighborhood Legal Services</td>
<td><a href="http://www.nls.org/">http://www.nls.org/</a></td>
<td>(585) 343-5450</td>
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<tr>
<td><strong>OSWEGO</strong></td>
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<tr>
<td>Oswego County Opportunities, Inc. – Services to Aid Families</td>
<td><a href="https://www.oco.org/crisis-development">https://www.oco.org/crisis-development</a></td>
<td>(315) 342-1600</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>ORGANIZATION</td>
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<tr>
<td>Otsego</td>
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<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>Opportunities for Otsego, Inc. – Violence Intervention Program</td>
<td><a href="http://www.ofoinc.org/find-program/violence-intervention-program/">http://www.ofoinc.org/find-program/violence-intervention-program/</a></td>
<td>(607) 432-4855</td>
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</tr>
<tr>
<td>Putnam/Northern Westchester Women’s Resource Center</td>
<td><a href="http://www.pnwwrc.org/">http://www.pnwwrc.org/</a></td>
<td>(845) 628-2166</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>Rensselaer</td>
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<tr>
<td>In Our Own Voices LGBT Domestic Violence Support Line</td>
<td><a href="http://www.inourownvoices.org/">http://www.inourownvoices.org/</a></td>
<td>(518) 432-4341</td>
<td>Provides non-residential domestic violence services (Monday - Friday 9:00 AM -9:00 PM).</td>
</tr>
<tr>
<td>Unity House of Troy</td>
<td><a href="http://www.unityhouseny.org/">http://www.unityhouseny.org/</a></td>
<td>(518) 272-2370</td>
<td>Provides residential, transitional and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>Rockland</td>
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<tr>
<td>Center for Safety and Change</td>
<td><a href="http://www.centerforsafetyandchange.org/">http://www.centerforsafetyandchange.org/</a></td>
<td>(845) 634-3344</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td>Saratoga</td>
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<tr>
<td>Wellspring</td>
<td><a href="http://www.wellspringcares.org/">http://www.wellspringcares.org/</a></td>
<td>(518) 584-8188</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td><a href="http://www.inourownvoices.org/">http://www.inourownvoices.org/</a></td>
<td>(518) 432-4341</td>
<td>Provides non-residential domestic violence services (Monday - Friday 9:00 AM -9:00 PM).</td>
</tr>
<tr>
<td>Schoharie Catholic Charities of Schoharie County Crime Victims Program</td>
<td><a href="http://www.charitiesccdos.org/Schoharie_County.html">http://www.charitiesccdos.org/Schoharie_County.html</a></td>
<td>(518) 234-2231</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>ORGANIZATION</td>
<td>WEBSITE</td>
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<tr>
<td>Seneca County Community Counseling Center</td>
<td><a href="https://www.co.seneca.ny.us/departments/dhs-administration/human-services-directory/name/seneca-county-community-counseling-center-mental-health-services/">https://www.co.seneca.ny.us/departments/dhs-administration/human-services-directory/name/seneca-county-community-counseling-center-mental-health-services/</a></td>
<td>(315) 539-1980</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Victim Resource Center of the Finger Lakes, Inc.</td>
<td><a href="http://www.vrcfl.org/home0.aspx">http://www.vrcfl.org/home0.aspx</a></td>
<td>(866) 343-8808</td>
<td>Provides residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>Arbor Housing &amp; Development Domestic Violence Services</td>
<td><a href="http://www.arbordevelopment.org/domestic">http://www.arbordevelopment.org/domestic</a></td>
<td>(800) 286-3407</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<td>Long Island Anti-Violence Project</td>
<td><a href="http://211longisland.communityos.org/zf/profile/program/id/305965">http://211longisland.communityos.org/zf/profile/program/id/305965</a></td>
<td>(516) 323-0011</td>
<td>Provides non-residential domestic violence services to LGBTQ survivors of intimate partner violence</td>
</tr>
<tr>
<td>Victims Information Bureau of Suffolk (VIBS)</td>
<td><a href="http://www.vibs.org/">http://www.vibs.org/</a></td>
<td>(631) 360-3606</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td><strong>SULLIVAN</strong></td>
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<tr>
<td>Safe Homes of Orange County</td>
<td><a href="http://safehomesorangecounty.org/">http://safehomesorangecounty.org/</a></td>
<td>(888) 503-4673</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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<tr>
<td><strong>TIOGA</strong></td>
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<tr>
<td>A New Hope Center</td>
<td><a href="http://www.anewhopecenter.org/">http://www.anewhopecenter.org/</a></td>
<td>(800) 696-7600</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td><strong>TOMPKINS</strong></td>
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<tr>
<td>The Advocacy Center of</td>
<td><a href="http://www.theadvocacycenter.org/">http://www.theadvocacycenter.org/</a></td>
<td>(607) 277-5000</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
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## ORGANIZATION | WEBSITE | PHONE NUMBER | SERVICES PROVIDED
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Tompkins County | | | violence services. OCFS Licensed and Approved.

### Ulster

#### Family of Woodstock Inc.
- **Website**: http://www.familyofwoodstockinc.org/
- **Phone Number**: (845) 679-2485
- **Services Provided**: Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.

### Warren

#### Catholic Charities of Warren, Washington and Saratoga Counties – The Domestic Violence Project
- **Website**: http://www.crcrda.org/agencies_and_programs/Saratoga-Warren-Washington-Counties_109_2_sb.htm
- **Phone Number**: (518) 793-9496
- **Services Provided**: Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.

### Washington

#### Catholic Charities of Warren, Washington and Saratoga Counties – The Domestic Violence Project
- **Website**: http://helprestorehopecenter.org/
- **Phone Number**: (518) 793-9496
- **Services Provided**: Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.

### Wayne

#### Victim Resource Center of the Finger Lakes, Inc.
- **Website**: http://www.vrcfl.org/home0.aspx
- **Phone Number**: (866)343-8808
- **Services Provided**: Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.

### Westchester

#### Hope’s Door, Inc.
- **Website**: http://hopesdoorny.org/
- **Phone Number**: (888) 438-8700
- **Services Provided**: Provides both residential and non-
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<tr>
<th><strong>ORGANIZATION</strong></th>
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<tr>
<td>My Sisters’ Place</td>
<td><a href="http://mspny.org/">http://mspny.org/</a></td>
<td>(800) 298-SAFE/7233</td>
<td>Provides both residential and non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>RESTORE Sexual Assault Services Wyoming County DSS Domestic Violence Project</td>
<td><a href="https://restoresas.org/">https://restoresas.org/</a></td>
<td>(585) 786-5450</td>
<td>Provides non-residential domestic violence services. OCFS Licensed and Approved.</td>
</tr>
<tr>
<td>24 Hour Domestic Violence Hotline</td>
<td>N/A</td>
<td>(800) 527-1757</td>
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<td>Victim Resource Center of the Finger Lakes, Inc.</td>
<td><a href="http://www.vrcfl.org/home0.aspx">http://www.vrcfl.org/home0.aspx</a></td>
<td>(866)343-8808</td>
<td>Provides both residential domestic violence services. OCFS Licensed and Approved.</td>
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