



NEW YORK CITY HOUSING AUTHORITY

Housing Choice Voucher Program Administrative Plan

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**Housing Choice Voucher Program
Administrative Plan**

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I. INTRODUCTION

The purpose of this Administrative Plan is to establish local policies for the administration of the Section 8 Housing Choice Voucher Program (HCVP) in accordance with United States Department of Housing and Urban Development (HUD) requirements.

A. Covered Programs

The New York City Housing Authority (NYCHA) administers the HCVP, including project-based vouchers (PBV) and Veterans Affairs Supportive Housing (VASH). The policies described herein apply to the HCVP, except in specified cases which are described later for which special rules pertain.

B. Changes to the Administrative Plan

On an ongoing basis, NYCHA may make minor, non-substantive modifications to the Administrative Plan in order to clarify existing policies and procedures and/or to correct editing errors. The NYCHA Board will approve proposed substantive changes to the Administrative Plan. The Administrative Plan is a supporting document to NYCHA's Annual Plan and is available for public review.

II. FAIR HOUSING AND EQUAL OPPORTUNITY

A. Non-Discrimination

NYCHA must comply with applicable federal, state, and local non-discrimination and fair housing laws ensuring equal access to housing in HUD programs regardless of race, color, religion, national origin, sex, disability, sexual orientation, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, sexual assault or stalking.

During the family briefing session NYCHA will provide information to applicants and participants that will assist them in pursuing housing discrimination complaints they may wish to pursue with local, state, or federal entities, including the Fair Housing Information and Discrimination Complaint Forms, as part of the voucher holder's briefing packet. NYCHA also displays fair housing posters in its offices.

B. Discrimination Complaints

In the event a person alleges discrimination in his/her housing search, the case will be forwarded to NYCHA's Department of Equal Opportunity for further action, as appropriate. Additionally, NYCHA will provide a list of outside agencies with which the voucher holder can file claims.

C. Access for Persons with Limited English Proficiency

Regulations under Title VI of the Civic Rights Act and Section 188 of the Workforce Investment Act require NYCHA to provide language assistance to Limited English Proficiency (LEP) persons. NYCHA will follow the policies and procedures in its Language Access Plan to ensure that LEP persons will have equal access to the HCVP.

D. Policies Related to Persons with Disabilities

NYCHA will make reasonable accommodation to persons with disabilities to ensure that they may fully access and use the HCVP and related services. NYCHA will provide an opportunity for an applicant or participant to request an accommodation on the application and other forms. This policy is intended to afford persons with disabilities equal opportunity to obtain the same results and gain the same benefits as those who do not have disabilities, and is applicable to all situations described in this Plan. The individual making the request must meet requirements outlined in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, the Americans with Disabilities Act, and the New York State and New York City Human Rights Laws.

NYCHA will review all requests and will make a determination based on the information provided. In accordance with Section 504 of the 1973 Rehabilitation Act, if the need for the accommodation is not readily apparent, the family must explain the relationship between the requested accommodation and the disability. In order for NYCHA to approve a request for reasonable accommodation, the applicant or participant may be required to submit documentation from a medical professional to support the request.

NYCHA may deny the request if it will cause an undue financial or administrative burden, or will change the fundamental nature of the program. NYCHA will notify applicants and participants in writing if it denies the request.

E. Violence Against Women Act

The Violence Against Women Act (VAWA) is a federal law providing protections for applicants, tenants, and families assisted in the Section 8, public housing, and other HUD-funded programs. Under VAWA, victims of domestic violence, dating violence, sexual assault, and stalking may not be denied admission to, denied assistance under, terminated from participation in, or evicted from Section 8-assisted housing on the basis of or as a direct result of the fact that the applicant or participant is or has been a VAWA victim.

Under the regulations, NYCHA can terminate HCVP assistance to those who commit acts of domestic violence, dating violence, sexual assault, or stalking against household members. VAWA also enables owners to evict abusers by “bifurcating” a lease to remove a person who has committed the abuse.

The regulations also permit NYCHA to terminate HCVP assistance to VAWA victims, or owners to evict VAWA victims, on independent grounds unrelated to their status as VAWA victims.

F. Promoting Deconcentration

NYCHA obtains owner apartment referrals through an established network of public sector and private sector contacts. Interested owners are invited to participate by listing their available vacant units online via the NYCHA Owner Extranet. All owner listed units are posted on the NYCHA Self Service Portal for voucher holders to view and schedule appointments with owners.

III. SPECIAL ADMISSION PROGRAMS

NYCHA receives voucher HCVP funding for special purposes that entail program-specific administration requirements. Examples of such special purposes are: Mainstream Disabled, VASH, Family Unification Program, Non-Elderly Disabled (NED) and Tenant Protection Vouchers.

A. Mainstream Disabled

Mainstream Disabled vouchers are designed to enable persons with disabilities (elderly and non-elderly) to rent affordable private housing. To qualify the head of household, co-head or spouse must be elderly or non-elderly and disabled. As applicants are selected from the wait list, NYCHA will assure that the appropriate designation is assigned to maximize use of the Mainstream Disabled vouchers allotted.

B. Veterans Affairs Supportive Housing (VASH)

VASH vouchers are designed to assist homeless veterans with disabilities and/or severe psychiatric and/or substance abuse disorders with locating stable affordable housing. NYCHA accepts referrals of eligible veterans from the Department of Veterans Affairs (VA). As turnover vouchers become available, NYCHA will accept referrals from the VA.

NYCHA was approved to sponsor a VASH Continuum program. Under this program, NYCHA and the VA may designate up to 15 percent of their total VASH allocation to provide housing assistance to veterans with an "Other Than Dishonorable" discharge status. NYCHA is partnering with the City Department of Veterans' Services to refer homeless veterans for the VASH Continuum program and ensure they receive services and case management.

C. Family Unification Program (FUP)

FUP vouchers are designed for eligible families with a child(ren) at risk of entering foster care or currently living in foster care due to the lack of adequate housing, and for eligible youth aged 18-24 years old who recently left foster care and lack adequate housing. NYCHA accepts referrals of eligible families and/or youth from the New York City Administration for Children's Services (ACS). As turnover vouchers become available, NYCHA will accept referrals from ACS. FUP youth may receive assistance through a FUP voucher for 36 months, after which they may receive assistance through a regular housing choice voucher.

Additionally, NYCHA and ACS are participating in HUD's FUP-Family Self Sufficiency (FSS) Demonstration program, which extends the term of the FUP voucher by five years for FUP youth that participate in the FSS program.

D. Non-Elderly Disabled (NED)

NED vouchers are designed to enable non-elderly disabled person to rent affordable housing. To qualify the head of household, co-head or spouse must be disabled. As applicants are selected from the wait list, NYCHA will assure that the appropriate designation is assigned to maximize use of the NED vouchers allotted.

E. Tenant Protection Vouchers

Tenant protection vouchers were designed to subsidize rents for tenants facing certain housing conversion actions such as mortgage prepayments, contract expirations and the sale or foreclosure of HUD-owned property. To qualify for a tenant protection voucher, the family must be an existing resident of the property being converted.

IV. APPLICATIONS, WAITING LIST AND TENANT SELECTION

A. Waiting List: HCVP

1. Opening and Closing the Waiting List

In accordance with 24 CFR § 982.206, NYCHA will periodically review its HCVP waiting list to ascertain whether it contains an adequate pool of applicants who qualify for preferences and will open or close the list, in whole or in part, as required to ensure it has an adequate applicant pool. NYCHA will advertise the opening or closing of the waiting list on NYCHA's website and will place appropriate notifications in English language publications within NYCHA's jurisdiction and in publications in its jurisdiction in other frequently-encountered languages, including but not limited to Spanish-language publications. NYCHA will also notify appropriate city agencies, non-profit and for profit housing providers and community based organizations regarding waitlist outreach.

2. Cleaning the Waiting List

The waiting list will be cleaned or "purged" as necessary to ensure that all applicants and applicant information is current and timely.

3. Removal from the Waiting List

An applicant may be removed from the waiting list for the following reasons:

- Failure to provide information or updates requested by NYCHA.
- Failure to complete the online application after two notification attempts.
- Failure or refused to appear for eligibility interviews or briefings after two scheduled appointments.
- Failure to rent an apartment before the voucher expired.

Applicants that fail to provide requested information or updates due to a disability can request a reasonable accommodation. If the applicant did not respond to the PHA request for information or updates because of the family member's disability, NYCHA will reinstate the applicant in the family's former position on the waiting list.

B. Tenant Selection

1. Preferences

NYCHA’s established preferences for the HCVP program, as set forth in NYCHA’s Annual Plan, are prioritized in accordance with the following HCVP Priority Codes (1= highest ranking; 6 = lowest ranking):

Preferences	Description
1	Homeless referrals from NYC agencies
2	Victim of Domestic Violence Intimidated Witness - Referred by Prosecutorial or Law Enforcement Agency
3	NYCHA residents required to move because their unit is not habitable, they are at risk of displacement, or they are extremely underoccupied in their current apartment.
4	Mobility Impaired and Residing in Inaccessible Housing
5	Elderly persons and persons with disabilities
6	All other applicants

2. Income Targeting Requirement

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year NYCHA will reserve a minimum of 75% of its new admissions for families whose income does not exceed the higher of 30% of the area median income (AMI) or the federal poverty guidelines established by the Department of Health and Human Services. HUD refers to these families as “extremely low-income families.” HUD will treat multiple public housing authorities (PHA) serving one jurisdiction as a single PHA for income targeting purposes. NYCHA will ensure that aggregate admissions comply with the 75% requirement for the jurisdiction. Enhanced vouchers and households that are continuously assisted under the 1937 Housing Act as described at 24 CFR § 982.201 are exempt from this requirement.

3. Selection of Families from Wait List

Applicants are selected from the HCVP waiting list in order of (1) preference and (2) initial application date on file.

4. Screening of Applicants

With the exception of VASH applicants, NYCHA will conduct criminal background checks for all HCVP applicants 16 years of age and over. NYCHA will conduct sex offender checks for all HCVP applicants 16 years of age and over. Public information is accessed as part of application processing.

V. ELIGIBILITY

A. Definitions of Family and Household Members

A family may consist of a single person; and/or additional persons, who occupy the assisted unit in accordance with NYCHA’s HCVP Occupancy Policy.

Definitions of Family and Household Members

Family	A single person or a group of two or more persons with or without children who maintain an interdependent relationship and whose income and resources are available to meet the family’s needs.
Head of Household	The head of household is the voucher holder. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program.
Spouse	Spouse means the partner of the head of household in a marriage or domestic partnership recognized within or outside of this jurisdiction. The term “spouse” does not apply to boyfriends, girlfriends, or significant others.
Elderly Family	A family whose head, spouse, or sole member is at least 62 years of age. It may include two or more persons, each of whom is at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.
Disabled Family	A family whose head, spouse or sole member is a person with disabilities; two or more persons with disabilities; or one or more persons with disabilities with one or more live-in aides.
Displaced Family	A family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster, declared or otherwise formally recognized by federal disaster relief laws.
Remaining Member	For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease. Foster Children, Foster Adults, and Live-in Aides may be members of NYCHA households, but they have no rights as remaining family members.

B. Family Break-Up

NYCHA shall determine, on a case-by-case basis, which family member or members remain in the assisted household, and whether the resulting assisted household may remain in the housing unit that it occupies at the time such decision is made. Any such decision must

comply with NYCHA's subsidy standards, NYCHA's HCVP succession policy, and NYCHA's compliance with VAWA.

C. General Occupancy Standards

Only the head of household and authorized family members who are listed on the Affidavit of Income (AOI) as part of the family composition are authorized family members permitted to reside in the subsidized apartment, provided they remain in continuous occupancy. Except for births and adoption or court awarded custody of minors, no person may join a HCVP household unless NYCHA grants written approval.

Live-in aides and his/her family members will not be classified as family members and cannot succeed the voucher. A household that has been approved for live-in aide by NYCHA is permitted one additional bedroom.

D. Income

1. Income Limits at Admission

Household income at the time of initial eligibility determination and admission shall not exceed HUD's very-low income threshold, which is defined as 50% of the AMI. Exceptions include households that receive enhanced vouchers, low-income households that -are continuously assisted under the 1937 Housing Act as described at 24 CFR § 982.201, and low-income households referred to NYCHA as part of the VASH program. Annual income will be determined in accordance with 24 CFR § 5.609 and includes all amounts, monetary or not, that go to or are on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or all amounts anticipated to be received from a source outside the family, and assisting the family, during the 12-month period following admission or annual reexamination date. Families must provide verification of income any time prior to certification, as requested by NYCHA.

2. Adjustments to Income

a) *Medical Expenses*

Deductions from income for medical expenses are allowed for all family members in households whose head or spouse is elderly or disabled. Families who claim medical expenses will be required to submit proof of the expense. The allowable medical expense is that portion of total medical expenses that exceeds three percent of annual income.

b) *Childcare Expenses*

A childcare expense may be deducted from income only when it allows an adult family member to be employed, to actively seek employment, or to further his/her education. Childcare expenses deducted to permit employment must be reasonable and may not exceed the amount of employment income that is included in annual income. Childcare deductions are applicable to children 12 years old or younger.

c) Income from Full-Time Students

In accordance with HUD regulations, NYCHA will not include in annual income calculations the earnings in excess of \$480 for each full-time student 18 years and older. However, financial aid amounts exceeding tuition must be included in annual income with the exception of aid for mandatory education fees or financial aid paid to a student over 23 with dependent children, or to a full-time student residing with his or her parents.

d) Income of Temporarily Absent Family Members

Generally an individual who is, or is expected to be, absent from the assisted unit for 180 consecutive days or less and is expected to return is considered temporarily absent and continues to be considered a family member.

Income of family members who are temporarily absent is counted except for full-time students who have documented their absence from the family. This includes the income (pay and allowances) of family members serving in the military except for hazardous duty pay when exposed to hostile fire.

e) Averaging Income

NYCHA will generally use the method of annualizing income to determine income that is not received for a full year.

f) Assets Disposed of for Less than Fair Market Value

At initial eligibility and annual recertification, NYCHA will determine whether an applicant or participant family has disposed of an asset for less than fair market value within the past two years. As permitted by regulation, NYCHA may adopt a minimum threshold to ignore small amounts that would not be counted toward income.

g) Earned Income Disallowance

Pursuant to 24 CFR § 5.617, NYCHA will disallow the increase in annual income provided by the regulations covering the self-sufficiency incentive for disabled

families. The disallowance of increases in income as a result of employment of persons with disabilities will not apply, for purposes of admission to the program.

E. Citizenship/Eligible Immigration Status

In order to receive assistance, at least one family member must be a U.S. citizen or eligible immigrant. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD in 24 CFR § 5. Families that include eligible and ineligible individuals are called “mixed.” Such applicant families will be given notice that their assistance will be prorated and that they may request an informal review if they contest this determination.

Eligible status according to US Citizenship and Immigration Services (USCIS) is:

- US Citizen
- Lawful Permanent Resident
- Asylum/Refugee under Section 207 or 208
- Cuban/Haitian Entrant paroled into the United States
- Conditional Entrant, A refugee-Section 203(a) 7 of INS in effect prior to April 1,1980

Verification of citizenship will be determined by NYCHA staff accessing the US Systematic Alien Verification for Entitlements Program. No verification is required for live-in aides

Individuals who NYCHA finds are neither citizens nor eligible immigrants may elect to contest NYCHA’s determination of their status. For citizenship and eligible immigration status eligibility requirements only, the applicant is entitled to an impartial hearing, and not an informal review.

F. Mandatory Social Security Numbers

All family members with eligible immigration status are required to submit a copy of their social security card. When existing households are adding new members, they will be given 30 days to provide the required documentation.

Applicant households adding a family member under the age of six (6) years will be given a 90-day period to provide documentation necessary to verify the member’s SSN. If it is determined that failure to comply with the documentation requirement was due to unforeseeable and/or uncontrollable circumstances, NYCHA may use discretion in providing an extension of one additional 90-day period. NYCHA will follow 24 CFR 5.218 for any applicant family who does not comply with the documentation requirements.

VI. VERIFICATION

NYCHA must verify all information that is used to establish the family’s eligibility and level of assistance, and is required to obtain the family’s consent to collect the information. All adult applicants and participants who are aged 18 and over will be required to sign a Third Party Verification—Consent to Release (059.293), NYCHA’s form of HUD’s Authorization for Release of Information (HUD-9886). If any family member who is required to sign a consent form fails to do so, NYCHA will deny admission to applicants and terminate assistance of participants. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. NYCHA will not pass on the cost of verification to the family.

All information provided by the participant regarding amount and source of income, deductions from income, admission preferences and family composition will be verified in accordance with HUD program regulations. Upfront Income Verifications (UIV), i.e. HUD’s Enterprise Income Verification (EIV) system, the Welfare Management System (WMS) or Veterans Affairs hotline, and third party verifications obtained directly from the family (check stubs, award letters, etc.) are preferred for clarification in the order referenced. If both written third party form and oral third party verification are impossible to obtain, NYCHA may review participant (family) declared information. NYCHA will document the record describing why a method other than UIV, third party written, third party written form, or oral verification was used. NYCHA will verify income from sources not available in EIV, using the same time period for both wage and non-wage income. For income that is completely excluded pursuant to 24 CFR § 5.609(c), NYCHA will rely on self-certified information for verification.

Level	Verification Type (<i>also referred to as Verification Technique by HUD</i>)	HUD Ranking	Description
6	Upfront Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system* *EIV is not available for new admissions.	Highest (Mandatory)	PHAs are no longer permitted to use actual past income from the EIV system to calculate employment income. EIV can be utilized to confirm employment; however, other verification levels must be used for calculation purposes.
5	Upfront Income Verification (UIV) using non-HUD system	Highest	Annual Income can be determined based on income received or as reported in a non-HUD UIV system. (<i>e.g., Welfare Management System (WMS), Veterans Affairs Hotline</i>)

4	Written Third-Party Verification	High	An original document provided by the participant that is generated by a third-party source, dated within 60 days prior to the Annual Recertification or NYCHA request date. <i>(e.g., a pay stub, an award letter, a printout of benefits)</i>
3	Written Third-Party Verification Form	Medium-Low	A standardized form used to collect income information directly from a third-party source. (e.g. NYCHA MD-34 form)
2	Oral Third-Party Verification	Low	PHA staff calls a third-party source to follow up on a written third-party verification form submitted.
1	Tenant Declaration	Low	A statement of reported income and/or expense signed by the participant. This verification level is used if no other documentation is provided.

VII. DENIAL OF ASSISTANCE

A. Mandatory Denial of Assistance

Pursuant to HUD regulations, NYCHA must deny HCVP assistance to an applicant under any of the following circumstances:

1. The family does not meet program eligibility criteria (e.g. preference category, income eligibility, enhanced voucher conversion residence requirements).
2. Any family member has ever been convicted of manufacturing or producing methamphetamine on the premises of federally-assisted housing.
3. Any member of a household is subject to a lifetime registration requirement under a state sex offender registration program.
4. Any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR § 5.
5. No family member can establish either citizenship or eligible immigration status (i.e., at least one member of the family must establish either citizenship or eligible immigration status).

B. Other Permissible Grounds for Denial

1. NYCHA has previously terminated HCVP assistance for any member of the family.
2. Any member of the family on the HCVP application was evicted from federally-assisted housing in the last five years.
3. A HUD EIV search for an existing participant indicates that a participant or a member of the participant's household is receiving a subsidy in another housing program.
4. The family or a guest of the family has engaged in or threatened abusive or violent behavior toward NYCHA personnel.
5. Any family member owes a debt to NYCHA or another PHA.
6. A family member has been evicted from federally assisted housing for drug-related criminal activity. Any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
7. The head of household violates a repayment agreement with NYCHA.

C. Screening

1. Screening for Eligibility and Suitability as a Tenant

Listing a family on NYCHA's waiting list, or selecting a family for participation in the HCVP, is not a representation by NYCHA to the owner about the family's suitability for tenancy. Owners are encouraged to screen families on the basis of their tenant application standards.

In an effort to prevent future criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by federal regulations, NYCHA will perform the required criminal background check and sex offender check for all heads of household and family members who are 16 years of age or older.

Persons evicted from federally assisted housing because of drug-related criminal activity are ineligible for admission to the HCVP for a three-year period beginning on the date of such eviction. However, NYCHA may admit the family if, after considering the individual circumstances of the household, NYCHA determines:

- a. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program, the documentation of which has been approved by NYCHA; or

- b. The circumstances leading to eviction no longer exist because the evicted household member is no longer a member of the family (e.g., death, or other permanent situation).

2. Notice of Denial of Assistance

If an applicant is denied HCVP housing assistance, NYCHA will give the applicant an Ineligible notice at the time of the eligibility interview, which states the basis of that ineligibility determination. The Ineligibility Notice will explain the applicant's right to an informal review and how to obtain the review, and NYCHA will enclose copies of its procedure and the Request for an Informal Review form with the Ineligibility Notice.

3. Where and When such Informal Reviews are Available

If an applicant has an informal review, NYCHA will give the written notification of the determination to the applicant at the time of the informal review. If the applicant claims a disability, NYCHA will supply a copy of the Housing Authority ADA/Section 504 Grievance Procedure.

D. NYCHA Discretion

In deciding whether to deny program admission (or terminate assistance as described below) because of criminal activity by members of the family, NYCHA has discretion to consider all of the circumstances in each case, including the seriousness of the activity, the extent of participation or culpability of individual family members, the length of time since the criminal activity occurred, the family's more recent history, the family's record of compliance with program requirements, and the effects that denial of program admission (or termination of assistance) may have on other family members who were not involved in the action or failure to act.

VIII. PAYMENT STANDARDS

A. Establishing Payment Standards

In general, the payment standard will be between 90% and 110% of the most recently published HUD fair market rent (FMR) for the assisted unit.

B. Modifying Payment Standards

NYCHA will review its payment standard annually upon HUD's publication of FMR. NYCHA may request HUD approval of payment standard adjustments outside the basic 90-110% range when circumstances warrant.

NYCHA's annual review of its payment standard will consider:

1. 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;
6. Success rates of voucher holders in finding units; and
7. Annual federal appropriations.

If NYCHA determines that the existing payment standard presents an obstacle to finding an affordable rental unit or that families are generally renting low-quality units, NYCHA may adopt a revised payment standard within the 90-110% basic range. NYCHA may approve an exception payment standard up to 120% of the applicable fair market rent without HUD approval if requested by a qualifying family as a reasonable accommodation.

NYCHA may also reduce a payment standard for a specific bedroom size or for all bedroom sizes if a significant percentage of leased units, of moderate to high quality, have rents substantially below NYCHA's existing payment standard.

Before revising the payment standard, NYCHA will conduct a financial feasibility analysis to ensure that adequate funds will be available to assist families in the program utilizing the proposed payment standard.

If the HUD FMR decreases from the prior year, NYCHA may choose not to reduce the payment standard for families under a current housing assistance payments contract until they move from that unit.

IX. FAMILY SHARE

A. Calculating Family Share

Families will pay the highest of the following amounts:

1. 30% of the family's monthly adjusted income;
2. 10% of the family's monthly income;

3. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs (including tenant-paid utilities), the portion of those payments which is so designated;
4. NYCHA's minimum rent for the HCVP (\$50.00); or
5. Enhanced voucher minimum rent (see description below).

For participants who are responsible for paying for their own utilities, their share is first applied to the utility expense, up to the amount of the utility allowance in effect, and the remainder goes to the owner as rent. If the utility allowance exceeds the family share, NYCHA will pay the difference in the form of a monthly or annual utility reimbursement payment. NYCHA may choose to adopt HUD's change to the Utility Reimbursements Policy, which permits PHAs to make utility reimbursement payments quarterly, rather than monthly, if the total quarterly reimbursement payment due to a family is equal to or less than \$45 per quarter. PHAs may make reimbursement payments retroactively or prospectively. Under this policy, NYCHA will permit a family to request a hardship exemption, in accordance with 24 CFR 5.630(b)(2). If a family receives a hardship exemption, then NYCHA may either reimburse the family on a monthly basis or it may make prospective payments to the family, on a quarterly basis.

The payment standard that applies to a household when their initial lease is approved will be the payment standard in effect when the lease is approved and executed by the participant and owner. The payment standard that applies for a household when a scheduled recertification occurs will be the payment standard in effect on the effective date of their annual review. The payment standard that applies to a household during an interim recertification will be the payment standard which was in effect at the last regular recertification or transfer.

NYCHA will grant an exception to the minimum rent requirement if the family is unable to pay the amount because of financial hardship as defined below:

1. When the family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the income of the family has decreased because of changed circumstances, including loss of employment;

4. When a death of an income earner in the family has occurred; or
5. Other circumstances determined by NYCHA or HUD on a case-by-case basis.

Note: Families receiving enhanced voucher HCVP assistance have a special statutory minimum rent requirement, providing that they pay for rent no less than the rent the family was paying on the date of the conversion event for the project in question.

B. Increase in Payment Standard Amount during Contract Term

If the payment standard amount is increased during the term of the housing assistance payments (HAP) contract the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular recertification on or after the effective date of the increase in the payment standard, or if the participant moves to a new unit.

C. Change in Family Voucher Size

Irrespective of any increase or decrease in the payment standard amount, if the family voucher size increases or decreases during the HAP contract term, the new family voucher size must be used to determine the payment standard amount for the family beginning at the family's first annual reexamination following verification of the change in the family voucher size. If the family is residing in a unit larger than that approved according to their family size, the family will be required to pay any additional cost in excess of their payment standard.

D. Contract Rent over the Payment Standards

There are instances where a rent increase results in the participant's gross contract rent being over the payment standard. In such instances, a participant may pay more than 30 percent of their income on rent. There is no restriction on percentage of rent contribution after the initial rental. A participant may request a transfer if their rent share becomes burdensome as a result of their gross contract rent going over the payment standard.

E. Applying Utility Allowance

The utility allowance that applies to a household when their initial lease is approved will be the utility allowance in effect when the lease is executed by the tenant and owner. As per 24 CFR § 5.982.517, "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 size of the unit rented by the family." In cases where the unit size leased exceeds the family unit

size due to a reasonable accommodation, NYCHA will use the appropriate utility allowance for the size of the dwelling unit actually leased by the family.

The utility allowance that applies to a household when a scheduled recertification occurs will be the utility allowance in effect at completion of the annual recertification. When utility allowances have been changed, the new allowances will be applied to the family's rent and subsidy calculations at the first regular recertification, after the allowance is adopted. For example, during an interim recertification, if the utility allowance was revised since the last regular recertification, NYCHA will not apply the new utility allowance until the next regular recertification.

X. VOUCHER ISSUANCE

A. Voucher Issuance

When funding is available, NYCHA issues a voucher to the family after the family has been determined eligible and briefed on program requirements. The voucher represents an agreement between NYCHA and the family, specifying the rights and responsibilities of each party, and is the family's authorization to search for an eligible unit. A voucher does not constitute admission to the program, and a voucher-holder is not considered a program participant until a lease and HAP contract are executed.

B. Voucher Term

In accordance with 24 CFR § 982.303, NYCHA has established an initial voucher term of 120 days for applicants. If a voucher has expired and the family has not submitted a rental package for NYCHA's approval, the family will be removed from the waiting list and required to reapply when NYCHA is accepting applications.

C. Good Cause Extensions

NYCHA, at its discretion, may extend a voucher beyond 120 days for good cause. Good cause may include, but is not limited to, approving a request for a reasonable accommodation to make the program accessible to a family member with a disability.

D. Suspension of the Term of the Voucher

During the initial or extended term of the voucher, the family is required to submit a Request for Tenancy Approval (Form HUD-52517). The term of the voucher is suspended starting when the Request for Tenancy Approval is submitted to the PHA until the PHA

notifies the family in writing whether the assisted tenancy has been approved or denied. This provision applies to all families who are leasing a unit (not just to families under portability). Suspension applies even if a family that submits a Request for Tenancy Approval decides to cancel such request. In such cases, the suspension ends when the PHA learns of the cancellation. Under portability procedures, the requirement to suspend the term of the voucher applies to the receiving PHA only.

XI. OCCUPANCY STANDARDS

Voucher bedroom sizes are based on NYCHA’s occupancy standards below.

HCVP OCCUPANCY STANDARDS CHART

Family Composition	Certified Voucher Bedroom Size
Single Occupant	0
Head of Household & Spouse	1
Two (2) Males	1
Two (2) Females	1
One Male (1) and One (1) Female	2
Any 3 person combination	2
Two (2) Males and Two (2) Females	2
Four (4) Males	2
Four (4) Females	2
Head of Household & Spouse, and Two (2) Females	2
Head of Household & Spouse, and Two (2) Males	2
One (1) Male and Three (3) Females	3
Three (3) Males and One (1) Female	3
Head of Household & Spouse, One (1) Male, and One (1) Female	3
Any 5 person combination	3
Any 6 person combination	3
Any 7 person combination	4
Any 8 person combination	4

Applicants and participants with pregnant household members may be eligible for an increased voucher size dependent upon total family composition as stated in the HCVP Occupancy Chart.

Applicants and participants may rent a unit with more bedrooms if the apartment’s rent is equal to or lower than the payment standard for their voucher size issued. Applicants and participants may also rent an apartment with fewer bedrooms than their voucher size indicates,

provided that the occupancy standards meet the requirements of 24 C.F.R. § 982.401(d) (2) (ii). If an applicant or participant rents an apartment smaller than his/her voucher size, NYCHA will pay subsidy based on the payment standard for the smaller apartment size.

A household that has been approved for live-in aide by NYCHA is permitted one additional bedroom.

XII. DESCRIPTION OF HOUSING QUALITY STANDARDS (HQS)

Housing Quality Standards (HQS) are minimum standards established by HUD for all units receiving assistance under HCVP. NYCHA is required by federal regulations to ensure that each unit occupied by a subsidized household is “decent, safe and sanitary.” To meet this requirement, NYCHA conducts an HQS inspection prior to providing assistance on behalf of a participant and biennially throughout the term of assisted tenancy. However, if the unit fails its biennial inspection, it will be automatically scheduled the following year for a regular HQS inspection, until a satisfactory inspection is recorded in HUD’s PIC Information system. NYCHA also reserves the right to schedule an HQS inspection at any time for quality assurance purposes.

A. Inspection Types

1. **Initial:** This inspection is conducted after NYCHA receives an approved Request for Tenancy Approval form for new admissions and transfers to ensure the unit passes HQS before rental assistance can begin.
2. **Alternative:** At NYCHA’s discretion, alternative inspections may be used to allow initial occupancy and enter into a HAP agreement as long as the HQS inspection is completed within 15 calendar days of receipt of the approved Request for Tenancy Approval. HUD allows the use of inspections conducted for the HOME program or Low-Income Housing Tax Credit program, any inspection conducted by HUD’s Real Estate Assessment Center, and other methods subject to HUD approval.
3. **Biennial:** This inspection must be conducted within 24 months of the last completed inspection to determine that the unit continues to meet HQS; Units that fail HQS must be scheduled for inspection on an annual basis until a satisfactory inspection result is recorded in HUD’s PIC system.
4. **Special:** An inspection requested by a participant or a third party, for any reason, before their next regularly scheduled inspection.

5. Restoration: This is an inspection requested by a former HCVP participant seeking restoration of Section 8 subsidy.
6. Quality Control: Inspections required for file sampling by the Section Eight Management Assessment Program (SEMAP).

B. HQS Violations

1. Life Threatening Violations

NYCHA, at its discretion, may determine certain HQS violations to be life threatening conditions. The owner must repair these violations within 24 hours to avoid suspension of subsidy. The following are some examples of life-threatening conditions requiring owner correction within 24 hours.

- Gas leaks
- Smoking/sparking/exposed wiring
- Building in imminent danger of collapse
- Severe fire damage
- Missing fuses or knockouts in electrical breaker boxes
- No secondary means of egress
- Illegal window gates on fire escapes

Depending on their severity, other conditions may be cited as emergency HQS failures requiring a 24 hour correction period.

2. Window Guard Violations

All Section 8 property owners with buildings that have three or more units must have properly installed window guards in units where a child ten years old or under resides. Owners must install or repair window guards within 21 calendar days from the date of failed inspection to avoid suspension of subsidy.

3. Lead Based Paint

During a regular or special HQS inspection of an occupied unit or the public space of that unit where there is a child under 6 and the building was constructed before 1978, if the inspector identifies any curled, cracked, scaled, flaked, blistered or chipped paint, the inspector will cite the deficiency on their handheld device accordingly, failing the unit. For

violations that occur in the unit, the owner will be informed via the *Letter to Owner - Hazardous Conditions NE-1 Inspection* (NYCHA Form 059.307B). The owner will also receive two (2) certifications, the *NE-2 Certification* (NYCHA Form 059.307) and the *Owner Lead-Based Paint Certification* (NYCHA Form 059.740). If the HQS violations are cited in public space areas, the owner will receive two (2) certifications, the *Certification of Completed Building Repairs* (NYCHA Form 059.348) and the *Owner Lead-Based Paint Certification* (NYCHA Form 059.740). All NYCHA certifications will be available to the owner on the Owner Extranet and via regular mail.

The owner will have 30 calendar days to make the required repairs to avoid HQS suspension of subsidy. The owner can provide proof of repairs by submitting a tenant/owner signed NE-2 certification, work order tickets or a satisfactory re-inspection by a Section 8 inspector. The Owner Lead-Based Paint Certification must be returned and approved by NYCHA in order for the owner to avoid suspension. If HQS suspension already exists, the subsidy may only be reinstated upon approval of both the NE-2 certification and the Owner Lead Based Paint Certification. The tenant is entitled to an emergency transfer voucher upon suspension of subsidy.

On a quarterly basis, NYCHA Leased Housing Landlord Outreach Unit shall send the DOHMH a master building file list of Section 8 addresses through a secured DOHMH website, in accordance with the Memorandum of Understanding (MOU) between NYCHA's Leased Housing Department and the DOHMH. DOHMH will perform a building data match of their records to identify units with children confirmed elevated blood lead levels (EBLL) registering 5 micrograms per deciliter ($\mu\text{g}/\text{dL}$) or greater. The NYCHA master building list includes addresses and Building Identification Numbers (BINs). If DOHMH confirms a Section 8 address match, DOHMH staff will contact the Leased Housing Landlord Outreach Unit (LOU) manager via a secure email. Additionally, if Leased Housing receives information from another source (e.g., tenant informed) regarding a child in the household with EBL level, the report is forwarded to DOHMH by the Landlord Outreach manager via secured email to be confirmed by DOHMH.

If the DOHMH responds that there is an Order to Abate for the unit, LOU staff will issue notice to the owner and tenant via the *Notice of Child with an Elevated Blood Lead Level Residing in Apartment with DOH Violation* (NYCHA Form 059.327). The owner will have 30 days to make the required repairs to avoid suspension of subsidy. The owner must submit an Environmental Protection Agency (EPA) certified contractor's work order, also known as a clearance report, as proof of the repairs. LOU will then forward the EPA certification to the DOHMH for confirmation the lead violation has been abated. Once confirmed by the DOHMH, NYCHA will consider the hazard cleared, reinstating and paying retroactive subsidy as necessary. If the owner fails to abate the lead condition(s) within the required

30 days, the tenant is entitled to an emergency transfer voucher. For all confirmed EBL cases received from the DOHMH, NYCHA will schedule high-priority special inspections within 30 days of being so informed for all other Section 8 units in the building where children under the age of 6 reside.

NYCHA will inform all Section 8 owners of the new HUD lead paint reporting requirements through various communications (e.g. LHD owner newsletter, email blasts, Owner Extranet). Owners must report the status of their lead paint cases to the local HUD field office via email at NYPIHLeadBasedPaint@hud.gov

4. All Other Non-Life Threatening Violations

All non-life threatening HQS violations must be corrected by the owner within 30 calendar days from the date of failed inspection to avoid suspension of subsidy.

A smoke and carbon monoxide detector is required in every unit. Building owners are responsible for installing the detectors in accordance with the law, while participants are responsible for maintaining them in working order. The detectors are to be located in the hall of the unit near the bedrooms and on every floor, if the dwelling has multiple floors. The detectors may be battery or hard-wire operated.

If the detectors are present but are inoperable (due to the need for a battery or if the participant has removed or damaged them), the failure will be considered a tenant-caused violation. If the violation is not corrected within 30 days, NYCHA will commence termination action against tenant.

If a hearing-impaired person is occupying the dwelling unit, the detectors must have an alarm system designed for hearing-impaired persons, as specified in the National Fire Protection Association Standards 74.

C. No Access

Participants are required to allow access to their apartments for a Section 8 inspector to conduct an HQS inspection. If a participant fails to provide access either to a specific room or the entire unit, on two separate attempts, the family has breached its program obligations and may be terminated from the program.

If the participant fails to provide access to a Section 8 inspector to verify that HQS violations have been corrected by the owner or if the participant fails to provide access for the owner to make the required repairs, NYCHA may terminate the participant's Section 8 subsidy.

D. Participant's Cancellation of HQS Inspection

A participant may only reschedule a regularly scheduled inspection one time. Unless there is an emergency situation, NYCHA will not approve a tenant's request to cancel an inspection with less than 48 hours notice and will deem it a missed appointment.

E. Suspension of Housing Assistance Payments & HAP Contract/Program Termination for HQS Failure

For owner-caused, non-life threatening HQS violations, owners may certify in writing that the HQS violations have been corrected or may request to have the unit re-inspected by a Section 8 inspector. A NYCHA form, Certification of Completed Repairs (NE-2 Certification), must be completed signed by both tenant and owner, and submitted in its entirety to NYCHA by regular mail or by on-line submissions via the Owner Extranet, within 30 days of the failed inspection (21 days for window guards) to avoid suspension of subsidy.

If the owner has made repairs but is unable to obtain the signature of the participant on the NE-2 Certification, the owner may submit other documentation to support proof of repair of the violation. Acceptable documentation includes a completed work order that matches all the HQS violations on NYCHA's NE-2 Certification of Completed Repairs form. A re-inspection can also be requested in lieu of a Certification. NYCHA will make reasonable attempts to re-inspect the unit within 21 business days.

If the owner does not correct HQS violations within 30 calendar days (21 days for window guard violations), NYCHA will suspend the subsidy. The suspension will take effect the first of the month following the 30-day correction period and will continue until the owner corrects and NYCHA verifies the repairs. If a subsidy payment is made to an owner beyond the thirty day correction period, NYCHA is required to recoup the subsidy payments. The recoupment amount is deducted from the owner's next regularly scheduled HAP subsidy payment.

For an initial failed inspection of a vacant unit, it is the owner's responsibility to notify NYCHA that all the violations have been corrected before a reinspection can be scheduled.

For units with owner-caused 24-hour life threatening failures, the owner must notify NYCHA that the failed items have been corrected. Failure to correct outstanding violations within 24 hours will cause the subsidy to be suspended. The owner must notify the NYCHA Customer Contact Center (CCC) in order for a re-inspection to be scheduled. If the unit

passes re-inspection, payments will be reinstated to the date the repairs were documented as repaired. NYCHA may at its discretion, accept owner Certification via photos for a 24 hour HQS violation in lieu of a reinspection. All 24 hour violations must be verified by NYCHA staff before the subsidy can be reinstated.

If a unit is suspended for failed inspection for 60 consecutive days, NYCHA will issue a transfer voucher and rental packet to the participant, allowing the participant to move to another unit approved by NYCHA. The owner will be notified that their tenant will be eligible to move if the unit remains suspended for 60 consecutive days. If the unit becomes HQS compliant before the transfer voucher expires, the participant can remain in the unit and NYCHA will reinstate subsidy payments to the current owner.

For quality assurance purposes, NYCHA will randomly re-inspect units. If a random quality assurance re-inspection reveals that HQS violations were not corrected, the unit will fail inspection and the owner will be required to make the repairs to avoid suspension of subsidy. If the owner submitted a Certification that was approved by NYCHA and the unit subsequently fails a quality assurance inspection for the same HQS violations, NYCHA reserves the right to suspend the subsidy, recoup the HAP payments and charge a nominal fee. Any owner fraudulent activity confirmed by NYCHA with regard to the HQS self-certification process, may lead to criminal prosecution.

F. Tenant-Caused Failures

NYCHA distinguishes between tenant-caused and owner-caused HQS violations on the inspection failure report provided to both the tenant and owner. Unless provided for in the lease agreement, owners are not responsible for the correction of HQS violations that NYCHA determines were tenant-caused. Damages to the apartment in excess of normal wear and tear by a household member will be considered a tenant-caused violation. NYCHA reserves the right to make a determination of the cause of any HQS violations and may commence tenant termination action if deemed tenant caused.

Examples of tenant-caused violations include but are not limited to:

- No electricity or gas when the tenant is responsible for paying utilities;
- No heat in the unit, in conformance with local code, when the tenant is responsible for this utility per the lease agreement;
- A fire escape or exit blocked by the tenant;
- Evidence of poor housekeeping, including heavy accumulation of refuse or debris in the unit;

- No battery in the smoke/carbon monoxide detector or the smoke/carbon monoxide detector is missing or damaged.

G. No Access for Owner to Repair HQS Violations

If the participant fails to allow access to an owner to make repairs to violations, the owner must document attempts to gain access. NYCHA requires that owners send written notices via certified mail to the participant in order to document attempts to gain access to the unit. NYCHA will require written proof of such attempts prior to commencement of termination action against the participant.

Once an owner submits valid documentation that attempts were made to make repairs, NYCHA will send the participant a termination warning letter regarding his/her failure to fulfill family obligations. Once the repairs are made and verified by NYCHA, a determination will be made by NYCHA when payments to the owner will resume, including retroactive payments, if any.

XIII. RENT REASONABLENESS

NYCHA determines whether rent is reasonable to ensure that subsidized rents do not exceed rental values in the private market for similar unassisted units. NYCHA determines whether rent is reasonable by comparing the proposed rent to rent charged for other comparable unassisted units. Among the factors used in determining reasonable rent are the location, unit size and amenities in accordance with 24 CFR § 982.507. NYCHA utilizes an independent third party vendor to collect data for rent comparables.

NYCHA will not approve or execute a HAP contract until it determines that the initial rent to the owner is reasonable as compared with similar unassisted units in the area. During the initial term of the lease, the owner may not raise the rent. The term “reasonable” means the owner’s proposed rent is consistent with that for unassisted units. In all cases, the rent to owner may not exceed the rent charged by the owner for similar unassisted units on the premises, or in the surrounding area.

A. Rent Reasonableness Determinations

Rent reasonableness determinations are made:

1. when units are placed under HAP contract for the first time;
2. when owners request annual or special contract rent adjustments;

3. when there is a 5% decrease in the FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary; or
4. when directed by HUD.

Each participant file will contain documentation that a rent reasonableness review has been conducted for the assisted tenancy, except in cases such as project based and conversion projects where rent reasonableness studies are conducted for entire developments and documentation is kept separately.

B. Units Receiving Low-Income Housing Tax Credits (LIHTC) or HOME funding

For a unit receiving low-income housing tax credits (LIHTCs) pursuant to section 42 of the Internal Revenue Code of 1986 or receiving assistance under HUD's HOME Program (for which the regulations are found in 24 CFR part 92), a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

If the rent requested by the owner exceeds the LIHTC rent for non-voucher families, NYCHA will perform a rent comparability study and the rent shall not exceed the lesser of the:

1. Reasonable rent as determined pursuant to a rent comparability study; or
2. The payment established by NYCHA for the size of unit in question.

C. Annual Adjustments to Rent

After the initial term of the lease, an owner may request an increase in the approved rent at least once per year. The owner must provide NYCHA with a copy of the new lease agreement executed by both parties at least 60 calendar days before the proposed effective date of the rent increase. All rent increases are subject to funding availability.

For all requested annual adjustments, NYCHA will perform a rent reasonableness analysis using the same methodology as for approving initial rents. The adjusted rent to the owner will equal the lesser of:

1. The reasonable rent as determined by NYCHA; or
2. The amount requested by the owner.

NYCHA will notify both the owner and the participant in writing when NYCHA has reached a final decision on a rent increase request.

D. Other Contract Rent Changes

In addition to the standard annual adjustments in rent, landlords are permitted to apply for other specialized types of contract rent changes through the Division of Housing and Community Renewal (DHCR), the Department of Housing Preservation and Development (HPD), and HUD. The owner must provide NYCHA with a copy of the approval letter at least 30 days after issuance. NYCHA will receive the contract rent change and determine if the new contract rent is reasonable. All rent increases are subject to funding availability.

Note: There are instances where an owner will be mandated to reduce their contract rent by HCR or HPD. NYCHA will receive and process these reductions in contract rent as stipulated.

XIV. GENERAL LEASING POLICIES

A. Initial Screening

NYCHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. Screening and selection of a family are the owner's responsibility.

NYCHA does not screen applicants for suitability for tenancy. NYCHA will provide the owner with the family's current and prior addresses, as shown in NYCHA's records, and with the name and address of the owner at the family's current and prior addresses, if known.

Under N.Y. Public Housing Law § 159, NYCHA may not disclose to owners other information provided by a HCVP applicant or participant, or by a third party regarding the applicant or participant, except under the limited circumstances described in § 159.

B. Housing Types

NYCHA participates in the HCVP program with respect to the following special housing types enumerated in 24 CFR § 982.601(a): Single Room Occupancy, Shared Housing, and Cooperative Housing.

C. Lease and Tenancy Addendum

All private leases submitted for HCVP assistance must comply with state and local law, and must be reviewed and approved by NYCHA staff.

D. HAP Contract Renewal

Once an owner has accepted a participant's voucher and signed a HAP contract that establishes a HCVP tenancy in a rent regulated unit, NYCHA considers that the owner has agreed to the acceptance of the participant's voucher for subsequent lease renewals, or month to month tenancy, so long as the participant is a participant in the HCVP.

E. Overcrowded Unit

If the addition of a household member(s) would create an overcrowded situation in the household's current unit, NYCHA will offer the household a transfer voucher for the bedroom size appropriate for the household according to NYCHA's Occupancy Standards.

F. Absence from Unit

In accordance with 24 CFR § 982.312 (a), the family may not be absent from the unit for a period of more than 180 consecutive calendar days, in any circumstance or for any reason.

G. Continuously Assisted Family

A family is "continuously assisted" under the 1937 Housing Act if the family is already receiving, or has received, assistance under any 1937 Housing Act program, such as public housing or assistance under the former Section 236 housing program, when the family is admitted NYCHA's HCVP.

H. Changes in Lease Agreement

If a tenant and owner agree to alter the current lease agreement, changes must be in writing, dated, and signed by both parties. The owner must provide a copy of the updated lease to NYCHA. NYCHA will approve any mutually agreed-upon modifications to the lease agreement, as long as the lease still complies with HUD requirements. A new lease and HAP contract are required for changes in tenant/owner supplied utilities. A new lease and HAP contract are not required when the family composition changes or the amount of rent to the owner changes.

I. Separate Agreements

Owners and tenants may execute separate agreements for services, appliances, and other items or amenities outside those that are provided under the lease, if the agreement is in writing and approved by NYCHA. If the tenant and owner agree on charges for an additional item, as long as those charges are reasonable and not a substitute for a higher rent, NYCHA will permit them. All agreements for special items or services must be attached to the lease

approved by NYCHA. If agreements are executed at a later date, they must be approved by NYCHA and attached to the lease.

Any appliance, service or other item that is routinely provided to unassisted tenants on the premises or permanently installed in the unit may not be placed under a separate agreement and must be included in the lease. To qualify for a separate agreement, the service, appliance or item must be an optional amenity. A tenant's failure to perform under a separate agreement has no effect on the tenant's rights under the lease, and cannot be a cause for eviction.

J. Security Deposits

The owner may collect a full security deposit from the tenant. Security deposits charged by owners may not exceed those charged to unassisted tenants or the maximum amount indicated on the lease. NYCHA does not pay or provide assistance for security deposits and/or moving fees except as a reasonable accommodation for a disability.

XV. REQUEST FOR TENANCY APPROVAL FOR INITIAL RENTAL OR TRANSFER

A. Approval of the Request for Tenancy Approval (RFTA)

During the term of the voucher, the family must submit the RFTA signed by owner and tenant and a copy of the proposed lease, including the HUD-mandated tenancy addendum. The family must submit the RFTA in the form and manner required by NYCHA. NYCHA will not permit the family to submit more than one RFTA at a time.

NYCHA will not approve a unit if the owner is the parent, child, grandchild, sister, or brother of any member of the family, unless NYCHA determines approving the unit would provide a reasonable accommodation for a family member who is a person with disabilities.

Owners must provide an employer identification number or social security number with the W-9. Ownership will be verified through assessor's office records or a review of the grant deed. NYCHA will request a copy of the management agreement for owners represented by a management company. NYCHA may request documentation of ownership such as a grant deed, copy of the current tax bill, or other documentation.

NYCHA will review the proposed lease and the RFTA documents and will approve the RFTA if:

1. The unit is an eligible type of housing;

2. The unit meets HUD's HQS, and any additional inspection criteria identified in this Plan;
3. The rent is reasonable (NYCHA will certify the rent charged to the housing choice voucher participant is not more than the rent charged for other unassisted comparable units);
4. The proposed lease complies with HUD requirements;
5. There is no owner conflict of interest;
6. The owner has not been debarred by HUD or the PHA;
7. There are no shared utilities, with the exception of some special housing types, "flat rate" apartment complexes, and mobile home parks;
8. The family is not leasing a unit owned by a parent, child, grandparent, grandchild, sister or brother of any family member, except if NYCHA waives this restriction as a reasonable accommodation for a family member with disabilities under appropriate circumstances; and
9. The owner's address is not the same as the assisted unit.

B. Disapproval of the RFTA

If NYCHA does not approve the RFTA, it will (1) notify the owner and the family; and (2) provide the family with another RFTA form to permit the family to continue to locate eligible housing. During the initial lease term, the family share of the rent must not exceed 40% of the family's adjusted income.

XVI. HOUSING ASSISTANCE PAYMENT CONTRACTS

The HAP contract must be in the form required by HUD. The terms of the HAP contract are described in 24 CFR § 982.451-455. A copy of the HUD-mandated HAP contract may be found at HUD's website.

A. Termination of Contract and Payment

Housing assistance payments terminate if:

1. The lease is terminated by the owner in accordance with the terms of the lease;
2. The HAP contract terminates;
3. NYCHA terminates assistance for the family; or
4. Owner breaches terms of the HAP contract.

If NYCHA determines that available program funding is not sufficient to support continued assistance for families in the program, NYCHA may terminate the HAP contract.

If an owner has commenced the process to evict the tenant and the family continues to reside in the unit, NYCHA must continue to make housing assistance payments to the owner in accordance with the HAP contract until the owner has obtained a judicial determination allowing the owner to evict the tenant. NYCHA will continue such payments until the family is evicted from the unit or moves out.

B. Family Move-out

NYCHA will end the housing assistance payments to the owner at the end of the month in which the family moves out of the unit or after a tenant has died and no eligible remaining family members are in the unit. Any overpayments of HAP will be recouped on the last day of the month after a tenant has vacated the unit, with or without notice to the landlord.

XVII. OWNERS

A. Definition of Owner

Any person or entity with the legal right to lease or sublease a unit to a participant.

B. Disapproval of Owner

Pursuant to 24 CFR § 982.306(a), NYCHA must not approve a unit if it has been informed by HUD or other government agency with relevant jurisdiction, that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR § 24. Pursuant to 24 CFR § 982.306(b), when directed by HUD, NYCHA will not approve a unit if:

1. The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or
2. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

NYCHA will also disapprove a unit if NYCHA determines:

3. The owner has engaged in drug-trafficking, as defined in 24 CFR § 982.4; or
4. There exists a conflict of interest due to the owner's status as:
 - a. A NYCHA employee or a member of the household of any such employee, unless the owner obtains NYCHA's written approval; or

- b. A relative of the prospective assisted family, as defined in 24 CFR § 982.306(d), unless such tenancy is expressly permitted by that subsection.
5. The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act;
6. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
7. The owner has a history or practice of non-compliance with HQS for units leased under the tenant-based HCVP, or with applicable housing standards for units leased with project-based HCVP assistance, or leased under any other federal housing program;
8. The owner has a history or practice of renting units that fail to meet state, or local housing codes;
9. NYCHA has been advised by another government agency that the prospective owner has outstanding arrears in the payment of a state or local real estate tax, fine or assessment; or
10. In accordance with 42 U.S.C. § 1437f(o)(6)(C), the owner refuses, or has a history of refusing, to take action to terminate tenancy for activity engaged in by the participant, any member of the participant's household, any guest, or any other person under the control of any member of the household that:
 - a. Threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or NYCHA employees;
 - b. Threatens the health or safety of, or right to peaceful enjoyment of the residences by, persons residing in the immediate vicinity of the premises; or
 - c. Engages in drug related or violent criminal activity.

C. Change in Ownership

Where ownership is to be transferred, NYCHA may approve the assignment of a HAP contract to the new owner at the prior owner's request. NYCHA may also disapprove the assignment of the contract for any of the reasons listed above. Prior owners must request assignment of their HAP contract(s) in writing and receive NYCHA's written consent before the HAP contract can be assigned and subsidies can be paid to the new owner.

NYCHA will process a change in ownership only if the request is accompanied by the executed documents required necessary for change in ownership. A list of the required documents can be found on NYCHA's website.

D. New Owners to the Section 8 Program

New owners will have 60 days to submit documents before NYCHA cancels the request for change in ownership and issues a transfer voucher to the Section 8 participant to enable him/her to move to another unit. NYCHA will begin making payments prospectively to the new owner once it has reviewed and approved the documents submitted. NYCHA must receive a separate written request from the new owner in order to change the payee and/or the address to which payment is to be sent.

E. Payment Method

NYCHA will make all HAP payments via electronic fund transfer (EFT) or debit card. Each owner will be required to enroll online in NYCHA's Owner Extranet portal to complete the EFT enrollment registration. Failure to enroll in direct deposit will result in a delay of your Housing Assistance Payments.

XVIII. ANNUAL RECERTIFICATIONS

A. Annual Recertifications

NYCHA conducts recertifications of income and family composition annually. Participants in the HCVP are required to complete annual recertifications. To ensure timely completion of annual recertifications, participants will receive notification to submit the required information for the recertification 150 days in advance of their annual recertification due date. Participants will submit income and family composition information through NYCHA's online Self Service Portal. The Self Service Portal is NYCHA's primary access point for submission of annual recertification documents. NYCHA will provide reasonable accommodation for participants that cannot complete the annual online, including submitting the recertification documents by mail.

NYCHA may opt to conduct a streamlined reexamination of income for fixed sources of income. In a streamlined reexamination, NYCHA will recalculate family incomes by applying any published cost of living adjustments to the previously verified or adjusted income amount.

Fixed income includes income from Social Security benefits, 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 receipts that are of substantially the same amounts from year to year.

NYCHA may adopt guidelines established by HUD Notice PIH 2016-05 related to family declaration of assets under \$5,000. NYCHA may, in order to simplify requirements for determining a program participant's assets, obtain third-party verification of all family assets upon admitting a family and then again at least every three years thereafter. During the intervening annual reexaminations, the NYCHA has the discretion under this provision to accept a family's declaration that it has total net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration.

The participant must submit his/her completed recertification, including all required third-party verifications, to NYCHA on or before the return date printed on the Annual Recertification Notification or in Section A.4 of the Affidavit of Income. If NYCHA does not receive the recertification within this time frame, it will commence termination of subsidy proceedings against the participant.

NYCHA will analyze and verify all information included in the recertification, recalculate the family share of the rent and notify the participant and the owner in writing of the new rent amount to be paid by the participant and new housing assistance payment to be paid by NYCHA. The notices will include effective dates of the new housing assistance payment amount, family share, and new rent to owner.

XIX. INTERIM RECERTIFICATIONS

A. Changes to be Reported to NYCHA

A participant must report the following within 30 days of a change:

1. A family member is added by birth, adoption or court-awarded custody, with or without increased income;
2. The family wants to add a member to the household by any method other than birth, adoption or court-awarded custody (i.e., marriage); or
3. The family loses a member either through relocation or death.

Other changes and increases, including cost of living adjustments to recipients of Social Security, TANF, and Veterans Assistance, and new or increased amounts of unearned income, need not be reported until the next annual recertification. NYCHA will not reduce

the family share of rent when the family reports a loss of welfare benefits due to fraud or a failure to participate in self-sufficiency or work activity.

B. Requested Changes

In addition to regular annual reporting requirements, participants may request an interim recertification. NYCHA will initiate an interim recertification upon verbal or written notification of a change in household income or family composition, or when NYCHA otherwise deems it appropriate.

NYCHA may adopt guidelines established by HUD Notice PIH 2016-05 related to conducting an interim reexamination of income whenever a new family member above the age of six (6) is added. If the new member added is six (6) years of age or younger, an interim reexamination of income will be performed to assure that the required dependent deduction is provided. Note: All new members will be subject to other aspects of program eligibility (e.g., SSNs, criminal history, etc.).

Families with income are not required to report increases in income in between regular re-examinations. Families without income will be required to report all increases in income within 30 days of the date the change takes effect. NYCHA will conduct an interim re-examination based on the increased income. NYCHA will notify the participant and the owner of any changes in the family share of the rent and the housing assistance payment.

C. Decreases in Tenant Share of Rent

Decreases in the tenant share of rent will become effective the first day of the month following the date the change occurs, provided the participant reported the change within 30 days of the change. If the family does not report the change within 30 days, the rent change will be effective the first day of the following month after receipt of supporting documentation of the change.

XX. GENERAL REQUIREMENTS FOR ADDING PERSONS TO THE HCVP HOUSEHOLD

Participants must request permission to add individuals to the household except for children born to or adopted by the participant and the authorized occupants of the household during the subsidized tenancy. All of the requirements below must be met for NYCHA to approve the addition of any person to a HCVP-subsidized unit:

1. The request must be made by the Head of Household (HOH);

2. The HOH must reside in the unit on the date of the request;
3. The request must be made in writing;
4. The family must be in good standing when the request is made, meaning there is no administrative action pending against the family to terminate the subsidy;
5. The proposed additional person must meet the standards for admission as stated in the Application and Tenancy Administration Department Manual; and
6. The proposed additional person must fall within familial relationship categories specified by NYCHA at its discretion.

XXI. PORTABILITY

Portability is a feature of the HCVP under which voucher holders may use their vouchers in jurisdictions other than the jurisdiction issuing the voucher. Voucher holders may live anywhere in the U.S., Puerto Rico, or the U.S. Virgin Islands as long as there is a HCVP administered in that area. Voucher holders may request a transfer to another jurisdiction by submitting a signed transfer request form by mail or personally to any NYCHA walk in center. NYCHA is currently absorbing all incoming portability cases, but reserves the right to start billing PHAs at its discretion and with proper notice. NYCHA will automatically add 30 days to the initial PHA's voucher expiration date and has the discretion to extend the voucher beyond the HUD required 30 days for the participant as part of a reasonable accommodation.

NYCHA reserves the right to complete criminal background and sex offender checks for incoming portability applicants in line with screening policies.

XXII. TRANSFERS

For all transfers, the HCVP participant must submit a completed and signed transfer request form. NYCHA then determines if the participant is eligible to receive a transfer voucher. Transfer requests are reviewed and prioritized as an "emergency" or "non-emergency".

A. Non-Emergency Transfers

A participant will receive a non-emergency transfer for any voluntary move. The transfer voucher is valid for 120 days. Voucher extensions require NYCHA approval.

B. Emergency Transfers

A transfer is prioritized as an “emergency” if it falls into one of the following categories:

1. 24-hour failed HQS inspection – such as a gas leak or fire.
2. Natural Disaster – such as a hurricane or earthquake.
3. Court Action – holdover proceeding in Housing Court based on a landlord’s choice not to renew a lease.
4. Foreclosure Action and Order to Vacate – owner fails to be financially responsible for the property.
5. Reasonable Accommodation – participant or household member qualifies as disabled, and the disability requires a change in housing. A reasonable accommodation form and a letter from a health provider are needed.
6. VAWA – a Section 8 participant, including the head of household, a household member, or an affiliated individual¹, meets the definition of a VAWA victim, Intimidated Witness, or Intimidated Victim, as described below.
 - a. *Victim of Domestic Violence (VDV)* – A victim of a felony or misdemeanor crime of violence committed by: a family member, a current or former spouse or intimate partner, a person with whom the victim has a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under New York’s domestic or family violence laws in the jurisdiction, or any other person against a victim protected under New York’s domestic or family violence laws.
 - b. *Dating Violence Victim* – A victim of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship (24 C.F.R. § 5.2003). The U.S. Office on Violence Against Women (OVW) further clarifies that dating violence covers a variety of actions and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include “digital abuse,” the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim.

¹ An Affiliated Individual is defined as a spouse; parent; brother; sister; child; or a person to whom the tenant stands in the place of a parent or guardian, i.e., a person in the tenant’s care, custody, or control.

- c. *Sexual Assault Victim* – A victim of any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent (24 C.F.R. § 5.2003). OVW further clarifies that the definition includes sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.
 - d. *Stalking Victim* – A victim of a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person’s individual safety or the safety of others; or suffer substantial emotional distress (24 C.F.R. § 5.2003). OVW further clarifies that this course of conduct can be repetitive, and may include frightening communications, direct or indirect threats, and harassing a victim through the internet. Additionally, it is not limited to situations where the perpetrator is someone with whom the victim was in any specific type of relationship.
7. Intimidated Victim (IV) – To qualify as an IV, the participant is the victim of a violent crime or a threat of a violent crime and such crime was committed in a non-random manner as a result of a relationship between the victim and the perpetrator and the participant has suffered actual physical injury or threat of injury against himself or immediate family and will continue to suffer by continuing to live in current residence.
 8. Intimidated Witness (IW) – Person cooperates with a law enforcement agency in the arrest and prosecution of an individual who committed a crime and then suffered actual physical injury or threat of injury against himself or family.

XXIII. EMERGENCY TRANSFER POLICIES

A. Victims That Are Not the Voucher Holder

If the perpetrator of the abuse is the voucher holder (sole signatory of the lease) and the victim is an authorized occupant of the voucher household, the victim may seek an emergency transfer under VAWA. An authorized occupant is a member of the voucher household approved by NYCHA under either permanent or conditional status. When a victim who is an authorized occupant of the voucher household seeks an emergency transfer under VAWA, the authorized occupant must first establish eligibility to become the voucher holder and staff must initiate proceedings to terminate the tenancy of the perpetrator. Authorized occupants have 90 calendar days from the date of the perpetrator’s termination to establish eligibility to succeed to the voucher or to find alternative housing.

B. VAWA Victims without Eligible Immigration Status (Only Applicable To Section 8 Participants Eligible under the VAWA Victim Category)

Under VAWA, if the perpetrator is the sole voucher holder and the victim is an authorized household member without eligible immigration status, he/she can self petition for eligible status if he/she is the spouse, parent or child of an abusive U.S. citizen or permanent resident and has been subjected to “battery or extreme cruelty.”

C. Participants Not In Good Standing

Participants who are not in good standing may request an emergency transfer.

D. VAWA Victims in PBV Units

If a family has been living in a PBV unit for less than a year, and must move to protect the health and safety of a family member who is a VAWA victim, the family is not required to give advanced written notice of intent to vacate, and will receive priority to receive the next available opportunity for tenant-based assistance. If tenant-based assistance is not available at the time the family must move, the family has priority to receive the next available opportunity for tenant-based assistance.

E. VASH Vouchers and VAWA

If the VASH voucher holder is the perpetrator and the VASH voucher is terminated due to the perpetrator’s VAWA acts, the victim should be given a regular HCV voucher if one is available, and the perpetrator’s VASH voucher should be used to assist another eligible veteran family. If a regular HCV voucher is not available for the victim, NYCHA must terminate the perpetrator’s assistance and allow the victim to continue to utilize the VASH voucher. If the victim leaves the Section 8 program, the VASH voucher must be issued to another eligible veteran family upon turnover.

F. Family Move for Health and Safety

NYCHA will not terminate assistance to a family if the family moves out of an assisted unit in violation of a lease, with or without prior notice to NYCHA, if (i) the family moved to protect the health or safety of a family member who is a VAWA victim; (ii) the VAWA victim reasonably believed they were imminently threatened by harm from further violence if they remained in the unit; or (iii) if any family member was the victim of sexual assault on the premises during the 90 calendar day period preceding the family’s move or request to move.

G. Required Forms & Documentation

1. NYCHA Forms

Section 8 participants that meet the definition of one of the categories above and wish to request an emergency transfer must submit either a Voucher Holder Request for Transfer (059.004) or a Voucher Holder's Request for Portability (059.723).

Reasonable accommodations will be provided for individuals with disabilities that are requesting an emergency transfer.

The form requires Section 8 participants to certify that:

- a. The victim reasonably believes that there is a threat of imminent harm from further violence if he or she remains within the same dwelling unit that they currently occupy; or
- b. For victims of sexual assault, the sexual assault incident occurred on the premises during the 90-calendar-day period preceding the date of the request for emergency transfer.

2. Additional Documentation

VAWA victims are not required to submit third-party documentation, except in two circumstances:

- a. If a participant submits an emergency transfer request and certification with conflicting information, or
- b. If NYCHA receives cross-complaints: requests from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator.

Section 8 participants eligible for an emergency transfer as an IV and IW are required to submit additional documentation as described in the Tenant Transfer Fact Sheet (059.648).

H. Approval Of Emergency Transfer Requests

1. Timing of Approval

Emergency transfer requests receive priority over regular non-emergency transfer requests.

NYCHA cannot guarantee that an emergency transfer request will be approved or how long it will take to process a transfer request. NYCHA also cannot guarantee the safety or security of individuals and families who choose to apply and/or who are transferred under this program. Pending the review and/or processing of the participant's emergency transfer request, the participant should be urged to take reasonable precautions to be safe.

2. Conflicting Information & Cross-Complaints

NYCHA may request additional documentation if an emergency transfer request includes conflicting information or if a cross-complaint is received.

a. If documentation identifies a victim and perpetrator, NYCHA LHD staff will process the transfer for the victim and coordinate with the Law Department to commence termination proceedings against the perpetrator.

b. If documentation does not identify a victim and a perpetrator, NYCHA will deny both of the conflicting or cross-complaint emergency transfer requests. NYCHA will not take any adverse action against the tenancy based on the emergency transfer requests.

c. NYCHA is not permitted to bifurcate a voucher.

3. Discrimination in Approval/Disapproval Determination

In making its determinations regarding emergency transfers, NYCHA does not discriminate on the basis of any protected characteristic, including race, color, religion, national origin, sex, disability, sexual orientation, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, sexual assault or stalking. NYCHA makes assistance available to all otherwise eligible individuals regardless of actual or perceived protected status.

I. MOVING TO A NEW UNIT WITH AN EMERGENCY TRANSFER

Section 8 participants who are found eligible for an emergency transfer must move to the new apartment along with other authorized family members in order to receive continued Section 8 assistance. The transfer must result in only one subsidized apartment for the household.

If a tenant seeks to apply for housing in a different NYCHA program, other than NYCHA's public housing program, or seeks to apply for housing with a different housing provider,

NYCHA will provide the tenant with information on Alternative Housing Resources, which identifies other programs and housing providers the tenant may contact for assistance.

J. CONFIDENTIALITY

NYCHA will keep confidential any information and documentation that the participant submits in requesting an emergency transfer, including his/her new location and status as a victim, unless (1) the participant gives written permission to release the information in a time-limited release, (2) disclosure of the information is required by law, or (3) disclosure is required for use in a termination.

XXIV. TERMINATION OF ASSISTANCE

A. General Procedures

If NYCHA decides to terminate assistance, NYCHA must give the participant written notice of the intent to terminate, with reasons, and must notify the family of his or her right to an informal conference or an impartial hearing prior to the proposed date of termination in accordance with federal regulations, the Williams consent judgment, and the Section 8 Existing Housing Program – Termination of Subsidy Procedures.

In addition, a participant may decide to stop receiving HCVP assistance at any time by notifying NYCHA. In the event a participant chooses to stop receiving assistance, there is no need for NYCHA to terminate the subsidy as set forth in this section.

NYCHA must terminate program assistance or the HAP contract under any of the following circumstances:

1. The family is under a HAP contract and 180 days have elapsed since NYCHA's last housing assistance payment. NYCHA reserves the right to terminate the HAP contract prior to this timeframe.
2. The family (1) fails to submit required documentation concerning any family member's citizenship or immigration status; (2) submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

3. The family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number (SSN). For families otherwise eligible for continued program assistance, NYCHA will determine if the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control. The termination of these families will be deferred to provide an opportunity to comply with the requirement within a period not to exceed 90 days from the date of the notice of noncompliance.
4. The family fails to meet ongoing eligibility requirements for students.
5. The family is evicted from the assisted unit for serious or repeated violation of the lease.
6. Any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR § 5.
7. Any family member has ever been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.
8. Any member of a household is subject to a lifetime registration requirement under a state sex offender registration program.

NYCHA may terminate program assistance for a participant under any of the following circumstances:

1. The violations discovered during annual inspection are tenant-caused and corrections are not made by the re-inspection date.
2. Any household member or guest engages in illegal use of a drug in the assisted unit.
3. Any member of the family commits drug-related criminal activity, violent criminal activity, or other criminal activity.
4. NYCHA has reasonable cause to believe that a household member's alcohol or illegal drug use, or a pattern of alcohol or illegal drug, use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
5. The family currently owes rent or other amounts to NYCHA or another PHA in connection with the HCVP or public housing assistance under the Housing Act of 1937.
6. The family has breached a repayment agreement with NYCHA or another PHA.

7. The family, or a guest of the family, has engaged in or threatened abusive or violent behavior toward NYCHA personnel.
8. The family has misrepresented income, household members, or any other reported information on, or accompanying, the HCVP application or annual recertification.
9. The family has violated one of the family obligations listed on the voucher, NYCHA's briefing booklet, or NYCHA's Administrative Plan.
10. The family has failed to provide information requested by NYCHA or keep an appointment.
11. The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to a unit, or any other amounts owed under the lease.
12. A family member has engaged in activity that may threaten the health or safety of the owner, property management staff, or persons performing the contract administration function or responsibility on behalf of NYCHA, including a NYCHA employee, contractor or agent.
13. The family fails to occupy the unit.
14. The family leaves the assisted unit without prior written approval to move by NYCHA.
15. Any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The owner may terminate the lease with the tenant; however, non-payment of the housing assistance payments by NYCHA is not grounds for termination of the lease because the family is not responsible for the subsidy portion under the HAP contract.

If the owner intends not to renew a lease or not to accept a renewal HAP contract, the owner must give NYCHA 60 days notice prior to the end of the current lease term, in order that NYCHA can offer the participant a voucher to move. However, under rent stabilization, owners must offer tenants in good standing a renewal lease that includes the material terms of the previous lease. The acceptance of HCVP subsidies is a material term of the lease; therefore, owners of rent-stabilized units are obligated to accept HCVP in their renewal leases.

In addition, Local Law 10 of 2008 prohibits owners from discriminating against participants based on "lawful sources" of income. Lawful sources of income include social security, and any federal, state or local public assistance or housing assistance such as HCVP subsidy.

A Section 8 participant may not be terminated from participation in, or evicted from Section 8-assisted housing on the basis of or as a direct result of the fact that the participant is or has been a VAWA victim, an Intimidated Victim, or and Intimidated Witness.

B. NYCHA Discretion

In deciding whether to terminate assistance because of criminal activity by members of the family, NYCHA has discretion to consider all of the circumstances in each case. NYCHA 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. NYCHA may permit the other members of a family to continue in the program.

C. Informal Conferences and Impartial Hearings for Participants

NYCHA will afford an informal conference and an impartial hearing to a participant who may be terminated from the HCVP based on his or her failure or refusal to meet program obligations or requirements, and who makes a timely request for a conference or a hearing. NYCHA will also afford an informal conference and/or an impartial hearing to a participant who makes a timely request to dispute NYCHA's determination regarding the family's share of the rent. Refer to 24 CFR § 982.555 for circumstances under which a participant is not entitled to a hearing.

If the participant requests an impartial hearing in order to resolve a termination or rent grievance issue, a conference will be scheduled. If the participant is not satisfied after the informal conference, NYCHA will schedule an impartial hearing. If the informal conference resolves the issue, NYCHA will not schedule an impartial hearing.

NYCHA will send written notice to the participant of the hearing date, along with a copy of the hearing procedures.

NYCHA will continue to make housing assistance payments while the hearing is pending if the participant makes a timely request for a hearing.

The Hearing Officer may make the following dispositions:

1. Termination of subsidy;
2. Termination of subsidy on a certain date unless specified conditions have been corrected or fulfilled; or

3. Continuation of subsidy.

NYCHA will notify the participant and his/her representative if the NYCHA Board conducts a review. The Board will issue a written statement if its determination is less favorable to the participant than the Hearing Officer's determination.

XXV. PROGRAM INTEGRITY

A. Preventing, Detecting, and Investigating Errors and Program Abuse

NYCHA seeks to ensure the integrity of its HCVP program by taking action against applicants, participants, and owners who commit fraud, bribery, or other corrupt or criminal acts. In appropriate circumstances, NYCHA may work in conjunction with the New York City Department of Investigation, Office of the Inspector General (OIG) with respect to these matters, or may refer these matters to the OIG for further action.

B. Corrective Measures and Penalties

If an error has been made in determining family income, family share of the rent or family composition, NYCHA will correct the tenant record and notify the family and the owner.

For subsidy corrections, the notice will include an amendment to the HAP contract via a Voucher Change Notice (VCN). For changes in family size, the correction may require the family to move to a new unit. Unless the owner requires a new lease, execution of a new HAP contract is not required. The specific corrective action NYCHA takes depends upon the fault of the party in causing the error.

XXVI. REPAYMENT AGREEMENTS

Pursuant to 24 CFR § 982.552(c)(1)(v), if the family owes any amount to NYCHA or to another housing agency in connection with any program administered pursuant to the 1937 Housing Act, NYCHA may deny eligibility or terminate participation. If a current participant in NYCHA's HCVP owes less than \$10,000, NYCHA may permit the family to enter into a written agreement to repay the debt, either in whole or in monthly installments not to exceed 40% of the family's adjusted gross income.

However, in no event will NYCHA enter into a repayment agreement if the debtor is also an employee of any federal, state, county or local government department or agency. These cases will be referred to NYCHA's Office of Inspector General to investigate the feasibility of criminal prosecution.

Pursuant to 24 CFR § 982.552(c) (1) (vii), the failure to make payments under the agreement will result in proceedings against the family to terminate its participation in the HCVP.

If a family leaves the program without having satisfied a debt, NYCHA will refer the matter for collection. NYCHA will also maintain a record of unsatisfied debt to NYCHA's public housing or HCVP, so that if the family reapplies to NYCHA for public housing or HCVP assistance, NYCHA will require payment of any unsatisfied balance before considering the family's eligibility for readmission to assisted housing. Debts owed will also be reported to HUD as required.

XXVII. PROJECT BASED VOUCHERS

This section of the Administrative Plan describes NYCHA's policies related to implementation of the Project Based Voucher (PBV) program pursuant HUD regulations at 24 CFR Part 983.

A. Applicability of Tenant-Based Voucher Program Policies to Project Based Voucher Program

Except as otherwise noted in this section, or unless specifically prohibited by PBV Program regulations, NYCHA's policies for the tenant-based voucher program described in the HCV Administrative Plan will also apply to the PBV program administered by NYCHA.

B. Program Size

The total number of PBV units will not exceed 20 percent of NYCHA's authorized units. NYCHA may project-base an additional 10 percent of its authorized units (above the 20 percent limit) for units that meet specific requirements as described in FR-5976-N-03. These include units for homeless households, veterans, persons with disabilities, seniors, and units located in a census tract with a poverty rate below 20 percent.

Units that previously received a long-term housing subsidy from HUD or previously subject to certain federal rent restrictions do not count toward the 20 percent limit when PBV assistance is attached to them, as long as the unit is covered under a PBV HAP contract that was effective on or after April 18, 2017, and received the subsidy or was subject to the rent restriction in the 5 years prior to the date the PHA selected the project or issued the RFP under which the project was selected. The specific housing subsidies and rent restrictions for which this applies are described in FR-5976-N-03.

VASH PBV set-aside vouchers also do not count toward the 20-percent limit.

C. Eligible Unit Types

PBV assistance may be attached to existing housing, newly constructed or rehabilitated housing. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of NYCHA selection, the units substantially comply with HQS.

D. Limits on Number of PBV Units in a Project

Pursuant to HUD regulations, NYCHA will not provide PBV assistance for units in a project if the total number of dwelling units in the building that will receive PBV assistance during the term of the PBV HAP contract is the greater of 25 units in the project or 25 percent of the units in a project. Exceptions to this requirement are described below in part E.

Owners under HAP contracts that were in effect before April 18, 2017 are still obligated by the terms of those HAP contracts with respect to the requirements that apply to the number of excepted units in a multifamily project. The owner must continue to designate the same number of contract units and assist the same number of excepted families as provided under the HAP contract during the remaining term of the HAP contract, unless the owner and the PHA mutually agree to change those requirements.

E. Exceptions to PBV Unit Cap

The following are units that are excepted from the cap on the number of PBV units in a project.

1. Units are in a single-family building (with four or fewer units);
2. Units exclusively serving elderly families (as such term is defined in 24 CFR 5.403).
3. Units in projects with supportive services available to all families receiving PBV assistance in the project. The project must make supportive services available to all assisted families in the project (but the family does not have to actually accept and receive the supportive service for the exception to apply to the unit). Families eligible for supportive services under this exception to the project cap would include families with a household member with a disability, among other populations. Such supportive services need not be provided by the owner or on-site, but must be reasonably available to the families receiving PBV assistance in the project and designed to help the families in the project achieve self-sufficiency or live in the community as independently as possible.
4. Projects that are in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey 5-Year Estimates.

F. Projects Not Subject to a Project Cap

PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are not subject to the 25 percent or 25 unit cap, as long as the unit is covered under a PBV HAP contract that was effective on or after April 18, 2017, and received the subsidy or was subject to the rent restriction in the 5 years prior to the date the PHA selected the project or issued the RFP under which the project was selected. The specific housing subsidies and rent restrictions for which this applies are described in FR-5976-N-03. Units that were previously receiving PBV assistance are not covered by this exception.

G. Selection of Project Based Owner Proposals

NYCHA may advertise the release of a competitive application soliciting proposals from owners/developers of affordable rental housing developments who are interested in receiving project-based voucher program assistance. This application will be announced via NYCHA's website and in publications of general circulation.

In accordance with HUD regulations at 24 CFR § 983, NYCHA may also engage in non-competitive selection of proposals for project-based vouchers for projects selected to receive assistance under a competitively-awarded federal, state, or local government housing assistance, community development, or supportive services program within three years of NYCHA's project-based voucher proposal selection date. In addition, the project will be ineligible for NYCHA's project-based program if the prior competitive selection proposal included any consideration that the project would receive a project-based voucher allocation.

In accordance with FR-5976-N-03, NYCHA may attach PBV assistance to projects where the PHA has ownership interest or control, without following a competitive process, in cases where the PHA is engaged in an initiative to improve, develop, or replace a public housing property or site.

NYCHA's criteria in reviewing project-based applications will be included in public notices or applications. Project-based vouchers will be allocated in accordance with all current and applicable guidelines and program regulations.

H. Notification of Owner Selection

NYCHA will notify selected owners within 60 days of its final decision to select the owner's proposal for PBV. NYCHA will maintain records of its evaluation and selection

process which will be available upon request to the public. Such records will be maintained for a one year period. NYCHA will perform a site inspection prior to owner selection to confirm site selection standards.

I. Subsidy Layering

NYCHA will only provide PBV assistance in accordance with HUD's subsidy layering requirements under 24 CFR 4.13 in accordance with PIH Notice 2013-11. NYCHA will submit the necessary documentation to HUD or an independent entity approved by HUD, for a subsidy layering review. NYCHA will not enter into an Agreement to enter into a Housing Assistance Payment Contract (AHAP) or a HAP Contract until HUD (or an independent entity approved by HUD) has conducted the subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

J. Site and Neighborhood Standards

NYCHA will select units or sites for PBV assistance only where NYCHA has determined that housing on the site:

1. is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities consistent with regulations and NYCHA's Administrative Plan; will facilitate and further comply with the applicable provisions of Title VI of the Civil Rights Act and other relevant provisions as cited at 24 CFR 983.57;
2. meets the site selection requirements described in 24 CFR 8.4(b)(5); and
3. meets the HQS site standards at 24 CFR 982.401(l). NYCHA will limit approval of sites for PBV assistance to census tracts that have poverty concentrations over 20% less, except where NYCHA determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20%.

K. Existing Housing

NYCHA will not provide PBV assistance for existing housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

1. Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
2. Have adequate utilities and streets available to service the site;

3. Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons; and
4. Be accessible to social, recreational, educational, commercial, health facilities and services, and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

L. New Construction / Rehabilitated Housing

In order to be selected for PBV assistance, a site for newly constructed housing or rehabilitated housing must meet the following HUD required site and neighborhood standards:

1. The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
2. The site must have adequate utilities and streets available to service the site;
3. The site must not be located in an area of minority concentration unless NYCHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;
4. The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low income persons;
5. The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
6. The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
7. Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

M. Environmental Review

NYCHA activities under the PBV program will be conducted in conformance with HUD environmental regulations at 24 CFR § 50, 24 CFR § 58, and 24 CFR 983.58. The responsible entity is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969.

N. HQS Inspections

1. Pre Lease-Up Inspections: NYCHA will inspect each contract unit and public space areas before execution of the HAP contract. NYCHA will not enter into a HAP contract until all the units and public space areas fully complies with HQS.

NYCHA may enter into a HAP contract if the units have passed an alternative inspection method approved by HUD within the previous 24 months. In these cases, the units must have an HQS inspection within 15 days of receipt of the Request for Tenancy for Approval. HUD allows the use of inspections conducted for the HOME program or Low-Income Housing Tax Credit program, any inspection conducted by HUD's Real Estate Assessment Center, and other methods subject to HUD approval.

2. Biennial Inspections: NYCHA will inspect units biennially consisting of at least 20% of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Units that fail HQS will be inspected annually until the unit passes inspection. Turnover inspections are not counted toward meeting this annual inspection requirement. If more than 20% of the annual sample of inspected contract units in a building fails the initial inspection, NYCHA will reinspect 100% of the contract units in the building.

O. Special Requirements for Newly Constructed or Rehabilitated Housing

This section describes specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing.

1. Agreement to enter into HAP (AHAP):

NYCHA will enter into an Agreement to enter into a HAP (AHAP) contract with the owner/developer after receiving confirmation from HUD or a Housing Credit Agency (HCA) approved by HUD that subsidy layering review and environmental review requirements have been met, and before construction or rehabilitation work has started. The AHAP contract will be in the form required by HUD.

2. Labor Standards

If an AHAP contract covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the AHAP will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates. The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR § 5, and other applicable federal labor relations laws and regulations.

3. Section 3 Requirements

The owner must comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR § 135. The owner must also comply with federal equal employment opportunity requirements.

4. Owner Disclosure

The AHAP and the HAP contract will include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs. The owner must also disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations.

P. Housing Assistance Payment (HAP) Contract

NYCHA will enter into a HAP contract for each PBV project for a maximum initial term of 20 years. NYCHA may extend the term of the contract for an additional term of up to 20 years if NYCHA determines an extension is appropriate to continue providing affordable housing for low-income families.

Subsequent extensions are subject to the same limitations. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

The HAP contract must provide that the contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by NYCHA in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract. If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and

for the full term of the HAP contract, NYCHA may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

If, in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to NYCHA. In this case, families living in the contract units will be offered tenant-based assistance.

NYCHA will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the HCV voucher program. The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under HAP contract.

Q. Changes to HAP Contract to Substitute, Add or Subtract PBV Units

At NYCHA's discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same building for a previously covered contract unit. Before any such substitution can take place, NYCHA must inspect the proposed unit/public space areas. At NYCHA's discretion and subject to the restrictions on the number of dwelling units that can receive PBV assistance per building, a HAP contract may be amended to add additional PBV units in the same building. This type of amendment is subject to all PBV program requirements except that a new PBV proposal is not required. If any PBV units have been vacant for 120 days, NYCHA may give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The amendment to the HAP contract will be effective the first day of the month following the date of NYCHA's notice.

R. Vacancy Payments

Project-based voucher contracts have vacancy loss provisions.

1. Payment for Move-Out Month: If an assisted family moves out of the unit, the owner may keep the housing assistance payment payable for the calendar month when the family moves out. However, the owner may not keep the payment if NYCHA determines the vacancy is the owner's fault.
2. Vacancy Payment: At its discretion, NYCHA will make a vacancy payment to an owner not to exceed one month contract rent following the move-out month. In order to claim vacancy loss, the unit must be available for lease and the owner must:
 - a. Notify NYCHA of the vacancy: Notification of Project Based Voucher (PBV) vacancy must be sent to LHD within five (5) calendar days to ensure timely completion of the Housing Quality Standards (HQS) inspection and applicant referrals to the owner by the NYCHA Leased Housing Department (LHD).
 - b. Make a request to NYCHA for a vacancy payment.

Within 10 calendar days of re-rental, the owner must submit the Vacancy Payment form to LHD for review. LHD will provide a vacancy payment, for qualifying PBV vacancies, for a maximum of one (1) month. If the unit was vacant for more than 120 days prior to re-rental, LHD will not approve the vacancy payment. The owner must submit form 059.743 Project Based Vacancy Request to request the one month vacancy payment.

Note: Any approved vacancy payment amount will be minus any portion of the rental payment received by the owner (including any amounts available from the tenant's security deposit).

Example A: Unit 9040A was vacated on 4/19/2017. Based on this:

- Notification of Vacancy is due by 4/24/2017
- HQS inspection is scheduled within 10 calendar days
- LHD will provide applicants for interview from PBV waiting list
- Re-rental is completed by 6/1/2017
- Vacancy Payment Request form is due to LHD by 6/11/2017

Example B: Unit 9040B was vacated on 1/19/2017. Based on this:

- Notification of Vacancy is due by 1/24/2017
- HQS inspection is scheduled within 10 calendar days
- LHD will provide applicants for interview from PBV waiting list
- Re-rental is completed by 6/9/2017

- No vacancy payment will be paid as the vacancy period extended beyond 120 days.

S. Waiting List and Occupancy of PBV Housing

NYCHA may utilize separate site-based waiting lists for admission to projects selected to receive project-based voucher (PBV) assistance.

Once a project is selected for PBV assistance, all applicants listed on NYCHA's waiting list for tenant-based assistance will be offered the opportunity to apply for placement on the NYCHA site-based PBV waiting list. Placement on a site-based PBV waiting list has no effect on the applicant's standing on the tenant-based waiting list. NYCHA will also accept referrals from the owner to populate site-based waiting lists. All applicants who wish to be placed on site-based PBV waiting lists must meet income and eligibility criteria for the project.

Applicants on NYCHA's tenant-based waiting list will be placed on the PBV site-based waiting list according to their original certification date and time of application, to the tenant-based waiting list. Referrals from the owner will be placed on a site-based waiting list according to the date and time NYCHA receives the Section 8 application from the owner. For Existing and Rehab units, the current resident has absolute preference on the PBV site-based waiting list as long as they meet PBV eligibility criteria.

Subject to NYCHA's approval, owners may request to establish preferences for supportive housing different than those listed in NYCHA's priority code list. All requests for preferences outside NYCHA must meet federal and local Fair Housing standards.

A preference may be given to applicants with a demonstrated need for particular projects offering specialized services. Additionally, NYCHA public housing residents may receive a preference for site-based waiting lists.

The owner must promptly fill vacancies utilizing the NYCHA PBV site-based waiting list. The owner must lease vacant units in a development to eligible families on NYCHA's PBV site-based waiting list for that development. Selection from the PBV site-based waiting list will be based on date and time of application submission, particular eligibility requirements (for example, senior only), and available unit size.

In determining family unit size, NYCHA may grant an exception to its established subsidy standards if determined that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. For a single person other than a disabled or elderly person or a remaining family member, such exception may not

override the requirement of providing only a zero (studio) or one bedroom unit to a single person.

In accordance with 24 CFR 983.259, if a household is occupying a wrong-size unit based on NYCHA's occupancy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, NYCHA must offer the household continued housing assistance in the form of an appropriate-size unit in the same building or in another project based development or a tenant-based voucher.

If the household moves from the unit with a tenant-based voucher, NYCHA must terminate the housing assistance payments for a wrong-sized or accessible unit at expiration of the term of the family's voucher (including any extension granted). If the family does not accept the offer for continued housing assistance or does not move out of the PBV unit within a reasonable time as determined by NYCHA, or both, NYCHA must terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of a reasonable period determined by NYCHA and remove the unit from the PBV HAP contract.

T. Leasing of Project-Based unit

NYCHA will make housing assistance payments to the owner in accordance with the HAP contract for contract units leased and occupied by eligible project-based voucher families during the HAP contract term. Per HUD regulations, payments will not begin on behalf of a PBV participant until after the following events:

1. Participant has attended a briefing
2. Unit and public space areas pass HQS Inspection or an approved alternative inspection method
3. Participant submitted all necessary documents to confirm income and program eligibility
4. Owner has submitted a lease with the rent breakdown and effective date determined by NYCHA.

The owner will have 60 calendar days to submit an executed lease agreement to NYCHA. If the owner fails to do so by the deadline given, NYCHA will void the lease effective date and will set a new future effective date.

U. Contract Rent to Owner

The contract rent to owner must not exceed the lowest of the following amounts:

1. An amount determined by NYCHA, not to exceed 110% of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
2. The reasonable rent determined by NYCHA, and
3. The rent requested by the owner.

V. Rent Reasonableness

NYCHA will redetermine rent reasonableness:

1. Whenever there is a 5% or greater decrease in the published FMR in effect 60 days before the contract anniversary for the unit sizes specified in the HAP contract as compared with the FMR in effect one year before the contract anniversary.
2. Whenever NYCHA approves a change in the allocation of responsibility for utilities between the owner and the participant.

The reasonable rent of a unit receiving PBV assistance will be determined by comparison to rent for other comparable unassisted units. At any time, NYCHA may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere. For a unit receiving low-income housing tax credits (LIHTCs) pursuant to section 42 of the Internal Revenue Code of 1986 or receiving assistance under HUD's HOME Program (for which the regulations are found in 24 CFR part 92), a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

W. Contract Rent Increases

Requests for a rent increase for PBV assisted units must be made in writing by the owner at least 60 days in advance of the HAP anniversary date. The contract rent to owner must not exceed 110% of FMR. In accordance with HUD guidance, NYCHA has elected to adopt the policy that the maximum rent permitted for the unit shall not be less than the initial contract rent for the under a PBV HAP contact.

XXVIII. ENHANCED VOUCHERS

NYCHA receives enhanced vouchers to preserve housing units that might otherwise be lost due to housing conversion actions such as mortgage prepayments or owner opt-outs. In a

housing conversion action, HUD provides vouchers to assist those families affected by a housing conversion or “decoupling,” as set forth in section 236(e) (2) of the National Housing Act. Only families residing in the project at the time of conversion are eligible for enhanced voucher assistance. For eligibility purposes, the time of conversion or decoupling is the effective date of prepayment or voluntary termination of mortgage or refinancing insurance. For eligible families remaining in the conversion project, the enhanced voucher payment standard equals the approved gross rent of the occupied unit (subject to rent reasonableness determinations). The gross rent is equal to the rent the tenant pays to the owner plus any tenant-paid utility allowance where tenants are responsible for payment of utilities. The regular NYCHA payment standard does not apply.

Enhanced assistance only applies if the family remains in the conversion project. According to federal law, “a family that receives an enhanced voucher has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for housing choice voucher assistance. The owner may not terminate the tenancy of a family that exercises its right to remain, except for a serious or repeated lease violation or other good cause. If an owner refuses to honor the family’s right to remain, the family may exercise any judicial remedy that is available under state and/or local law.” If the family moves outside the project, the voucher reverts to a regular tenant-based voucher and the regular program rules and payment standards apply.

A. Over-housed Enhanced Voucher families

1. If the bedroom size of the family’s unit exceeds the number of bedrooms for which the family qualifies under NYCHA subsidy standards, the family is an over-housed family unless the family qualifies for a reasonable accommodation because one or more family member(s) need an additional bedroom.
2. If an over-housed family chooses to move from the project at any time, the normal tenant-based voucher program rules apply to the subsidy calculation for the new unit. In such a case, the payment standard is the lower of the payment standard for the family unit size under the applicable subsidy standards or the payment standard for the actual size of the unit rented by the family (see 24 CFR §982.402(c)).
3. If an over-housed family wishes to remain at the project, the regular voucher program requirements regarding the payment standard are not applicable and the provisions of HUD Notice 2016-02 apply.

4. Once NYCHA determines the family is over-housed, the Agency will inform the family and explain the requirements as per HUD rules.
5. If the family indicates it wishes to remain at the project with enhanced voucher assistance, NYCHA will inform the owner of the project that the family is in an over-sized unit.
6. NYCHA will provide the owner with the bedroom size for which the family actually qualifies under the PHA subsidy standards (i.e., the appropriate size unit). The owner must then identify all appropriate size units that are available in the project.
7. The over-housed family must move to an appropriate size unit in the project if one is available in within thirty-days to continue to receive enhanced voucher assistance.
8. If an over-housed enhanced voucher family refuses to move to the appropriate size unit, and one exists and is available for occupancy, the PHA will calculate the family's housing assistance payment for the over-sized unit based on the normally applicable voucher subsidy formula using the applicable payment standard.
9. The family will be responsible for any amount of the gross rent not covered by the housing assistance payment.

XXIX. RENTAL ASSISTANCE DEMONSTRATION (RAD)

The Rental Assistance Demonstration (RAD) is a HUD tool created for housing authorities to make necessary improvements and ensure the long term affordability of their housing. Under this program, major repairs are made to a specific development, and the federal subsidy supporting the development shifts from the public housing program to the HCVP.

NYCHA's policies as described below are consistent HUD's rules governing the RAD program, as outlined in PIH-2012-32 (HA) H-2017-03, REV-3.

A. PBV Contract Terms

1. Length of Contract. RAD projects shall have an initial HAP Contract term of at least 15 years (up to 20 years upon request of the Project Owner and with approval by the administering Voucher Agency). Project Owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the contract and may not reduce the number of assisted units without HUD approval.

2. Mandatory Contract Renewal. In accordance with the RAD Statute, upon expiration of the initial contract and each renewal contract, NYCHA must offer, and the Project Owner must accept, renewal of the contract subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year for such renewal.

3. RAD Use Agreement. Pursuant to the RAD Statute, a Covered Project shall have an initial RAD Use Agreement that will:
 - i. Be recorded in a superior position to all liens on the property. The Use Agreement shall be recorded prior to the Security Instrument or any other mortgage or security instrument relating to an FHA-insured loan or a Risk-share loan;
 - ii. Run until the conclusion of the initial term of the HAP Contract, automatically renew upon extension or renewal of the HAP Contract for a term that coincides with the renewal term of the HAP Contract, and remain in effect even in the case of abatement or termination of the HAP Contract (for the term the HAP Contract would have run, absent the abatement or termination), unless the Secretary approves termination of the RAD Use Agreement in the case of a transfer of assistance;
 - iii. Provide that in the event that the HAP Contract is removed due to breach, non-compliance or insufficiency of Appropriations, for all units previously covered under the HAP Contract new tenants must have incomes at or below eighty percent (80%) of the area median income (AMI) at the time of admission and rents may not exceed thirty percent (30%) of eighty percent (80%) of AMI for an appropriate-size unit for the remainder of the term of the RAD Use Agreement; and
 - iv. Require compliance with all applicable fair housing and civil rights requirements, including the obligation to affirmatively further fair housing.

4. Initial Contract Rent Setting. HUD has calculated initial contract rents for every public housing project based on each project's subsidy under the public housing program. Notwithstanding HUD's calculation, initial PBV contract rents are subject to the statutory and regulatory PBV requirements governing contract rents (see 24 CFR § 983.301). To this effect, initial contract rents cannot exceed the lower of: (a) the reasonable rent (as defined under 24 CFR § 983.303); (b) an amount determined by the PHA, not to exceed 110 percent of the applicable FMR (or applicable exception payment standard), minus any utility allowance; or (c) the rent requested by the owner.

5. Method of Adjusting Contract Rents. Contract rents will be adjusted only by HUD's OCAF at each anniversary of the HAP Contract, subject to the availability of appropriations for each year of the contract term.² The rent to owner may at no time exceed the reasonable rent charged for comparable unassisted units in the private market, in accordance with 24 CFR § 983.303.³ However, the rent to owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP Contract.
6. Agreement Waiver and RAD Rehab Assistance Payments. For public housing conversions to PBV there will be no Agreement to Enter into a Housing Assistance Payments (AHAP) contract.
7. HQS Inspections. When work is occurring under RAD, HUD requires that all units meet HQS no later than the date of completion of the Work as indicated in the RAD Conversion Commitment.

B. RAD Resident Rights, Participation, Waiting List and Grievance Procedures:

1. No Re-screening of Tenants upon Conversion

Pursuant to the RAD Statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.⁴ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). Once the grandfathered household moves out, the unit must be leased to an eligible family from the NYCHA waiting list. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD

² OCAFs are calculated and published each year by HUD in the Federal Register and are applied to the portion of a contract rent that is not committed to debt service payment in order to calculate the contract rent for the project in the following fiscal year. For the most recent guidance on OCAF, please see: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-26/pdf/2011-27816.pdf>.

³ If the Covered Project is deemed to be PHA-owned pursuant to HUD guidance, an independent entity will need to perform the rent-setting and inspection functions set out in 24 CFR § 983.59.

⁴ These protections (as well as all protections in this Notice for current households) also apply when a household is relocated to facilitate new construction or repairs following conversion and subsequently returns to the Covered Project.

PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.⁵

2. Right to Return

Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the development once rehabilitation or construction is completed. Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. Residents of a development undergoing conversion of assistance may voluntarily accept an offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance. See section 1.4.A.5(ii) and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return.

3. Renewal of Lease

Under RAD, the owner must renew all leases upon lease expiration, unless cause exists. This provision must be incorporated into the tenant lease or tenancy addendum, as appropriate.

4. Phase-in of Tenant Rent Increases

If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 5 years. For purposes of this section "standard TTP" refers to the Total Tenant Payment (TTP) calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058. If a family in a development was paying a flat rent immediately prior to conversion, NYCHA shall use the flat rent amount to calculate the phase-in amount for Year 1, as illustrated below. Families will not pay more than 30% of their adjusted gross household income for rent.

⁵ For non-RAD PBV households, applicable program requirements includes the requirement that any admission to the project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time.

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the standard TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the standard TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the standard TTP
- Year 5 AR and all subsequent recertifications – 100% (Full standard TTP)

Once the calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

5. Public Housing Family Self Sufficiency (PH-FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs

NYCHA does not have PH-FSS participants but residents will be able to enter into the Housing Choice Voucher (HCV) FSS program after conversion. Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future public housing ROSS-SC grants, nor will its residents be eligible to be served by future public housing ROSS-SC grants.

6. Resident Participation and Funding

Residents will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding in accordance with the Notice. The owner must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to a legitimate tenant organization at the covered property. These funds must be used for resident education, organizing around tenancy issues and training activities.

7. Resident Procedural Rights

At a minimum, residents will have the following procedural rights, which NYCHA may expand for the benefit of residents.

a. Termination Notification.

HUD has incorporated additional termination notification requirements to comply with section 6 of the U.S. Housing Act of 1937 as may be amended (Act) for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257, related to owner termination of tenancy and eviction, the termination procedure at a minimum for RAD conversions to PBV will require that the owner provide adequate written notice of termination of the lease which shall not be:

- i. A reasonable period of time, but not to exceed 30 days:
 - If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened;
 - or
 - In the event of any drug-related or violent criminal activity or any felony conviction;
- ii. Not less than 14 days in the case of nonpayment of rent; and
- iii. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

b. Grievance Process.

HUD is incorporating additional resident procedural rights to comply with the requirements of section 6 of the Act.

For issues related to tenancy and termination of assistance, PBV program rules require the owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, and require that:

- i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a) (1) (i)-(vi), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to an owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

- For any hearing required under 24 CFR § 982.555(a) (1) (i)-(vi), NYCHA as the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e) (4) (i).
 - For any additional hearings required under RAD, the owner will perform the hearing.
- ii. An informal hearing will not be required for class grievances or for disputes between residents not involving the owner or contract administrator.
 - iii. The owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
 - iv. The owner provides opportunity for an informal hearing before an eviction.

8. Earned Income Disregard (EID)

Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4 of the Notice; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the Housing Choice Voucher program, the EID exclusion is limited to only persons with disabilities (24 CFR §5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in 24 CFR § 5.617(b) limiting EID to only disabled persons is waived. The waiver and resulting alternative requirement only applies to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver.

9. Jobs Plus

Jobs Plus grantees awarded FY 2014 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant relocation and/or change in building occupancy is planned. If either is

planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the HUD Secretary's discretion, choose to end the Jobs Plus program at that project.

10. When Total Tenant Payment Exceeds Gross Rent

Under normal PBV rules, NYCHA may only select an occupied unit to be included under the PBV HAP contract if the unit's occupants are eligible for housing assistance payments (24 CFR §983.53(c)). Also, NYCHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's total tenant payment (TTP) has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent) (24 CFR §983.258). Since the rent limitation under the Notice may often result in a family's TTP equaling or exceeding the Gross Rent for the unit, for residents living in the Converting Project prior to conversion and who will return to the Covered Project after conversion, HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP contract when TTP equals or exceeds the Gross Rent. Further, HUD is establishing the alternative requirement that until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. When the family's TTP falls below the gross rent, normal PBV rules shall apply. In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract.

Following conversion, 24 CFR §983.53(d) applies and any new families referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the Gross Rent for the unit at that time. Further, a PHA must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the Gross Rent for the unit and if the project is fully assisted, HUD is imposing an alternative requirement that NYCHA must reinstate the unit after the family has vacated the property.

11. Under-Occupied Unit

If a family is in an under-occupied unit under 24 CFR § 983.260 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available. When an appropriate sized unit becomes available, the family living in the underoccupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined

by NYCHA. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available, HUD has waived 24 CFR § 983.260.

C. Other Miscellaneous Provisions:

a. Establishment of Waiting List

HUD allows NYCHA to consider the best means to transition applicants from the current public housing waiting list, including:

- i. Transferring an existing site-based waiting list to a new site-based waiting list.
- ii. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.
- iii. Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
- iv. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

NYCHA will utilize the project-specific waiting list that exists at the time of conversion. The waiting list must be established and maintained in accordance with PBV program requirements.

If a project-specific waiting list for the project does not exist, NYCHA will establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on NYCHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. For the purpose of establishing the initial waiting list, NYCHA will determine the most appropriate means of informing applicants on the public housing waiting list given the number of applicants, NYCHA's resources, and community characteristics of the proposed conversion under RAD. Such activities should be pursuant to NYCHA's policies for waiting list management, including the obligation to affirmatively further fair housing.

b. Agreement Waiver

For public housing conversions to PBV, there will be no Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the Agreement (AHAP), including regulations under 24 CFR Part 983 Subpart D are waived. Instead, NYCHA and the owner will enter into a HAP contract before construction begins.

c. Choice-Mobility

One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, NYCHA must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

If as a result of participation in RAD a significant percentage of NYCHA's HCV program becomes PBV assistance, it is possible for most or all of NYCHA's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility. While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for NYCHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP contract administered by NYCHA exceeds 20 percent of the PHA's authorized units under its HCV ACC with HUD.

The alternative mobility policy provides that an eligible voucher agency would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of covered projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in NYCHA's administrative plan.

XXX. LLC DEVELOPMENTS

In March 2010, NYCHA entered into a mixed-finance transaction with NYCHA Public Housing Preservation I, LLC (LLC I) and NYCHA Public Housing Preservation II (LLC II), transferring ownership of 13 of its 21 city or state-built developments to LLC I, and transferring ownership of the remaining eight of its city or state-built developments to LLC II. NYCHA, as the managing partner of LLC I and LLC II, continues to manage the 21 LLC developments. The 21 LLC developments contain public housing units as well as units assisted under the Section 8 program.

On an ongoing basis, NYCHA is converting units in the 21 LLC developments to HCVP up to a maximum of 8,400 units. Upon turnover, vacant units can be filled from the waiting list and will be assisted under the project-based voucher program or tenant based vouchers. All HCVP assisted tenancies in the 21 LLC developments must meet applicable income and other requirements under the HCVP.

Additionally, NYCHA is expediting the transition of units at the 8 LLC II developments to Section 8 in order to address a lack of funding and unmet capital needs. NYCHA will be transitioning these developments to project-based voucher assistance in phases.

XXXI. FAMILY SELF-SUFFICIENCY PROGRAM

The Family Self-Sufficiency (FSS) program enables families assisted through HCVP, Public Housing residents, and residents of Native American Housing Assistance and Self-Determination Act-assisted housing to increase their earned income and reduce their dependency on welfare assistance and rental subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling and other forms of social service assistance, while living in assisted housing, so they can obtain skills necessary to achieve self-sufficiency. In accordance with HUD 24 CFR § 5.603, NYCHA facilitates its FSS program from HCVP and Public Housing residents through the Office of Resident Economic Empowerment and Sustainability (REES). REES offers a variety of job-training, workforce development, and financial management programs designed to encourage, assist, train, and facilitate the economic independence of NYCHA families. NYCHA has been approved to participate in the FUP-FSS demonstration to better serve youth aging out of foster care.

Glossary

Affiliated Individual under VAWA. A spouse; parent; brother; sister; child; or a person to whom the tenant stands in the place of a parent or guardian, i.e., a person in the tenant's care, custody, or control.

Applicant (Applicant Family). A family that has applied for admission to a program but is not yet a participant in the program.

Dependent. A member of the family (except foster children and foster adults) other than the family head or spouse or live-in aide who is under 18 years of age, or is a person with a disability, or is a full-time student.

Disabled Person. Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.

Elderly Person. An individual who is at least 62 years of age.

Eligible Family (Family). A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR.

Extremely Under Occupied. Families in apartments with two or more extra bedrooms.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR § 888.

HAP Contract. Housing Assistance Payments Contract (HAP Contract). A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Housing assistance payment. The monthly assistance payment by a PHA, which includes: (1) a payment to the owner for rent to the owner under the family's lease; and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing Agency (HA). A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. (PHA" and "HA" mean the same thing.)

Housing Authority ADA/Section 504 Grievance Procedure. The procedure outlined in the Referral to PHRAC or SERAC Reasonable Accommodation Coordinator section of the NYCHA Standard Procedure Manual SP040:12:1

Housing Quality Standards (HQS). The HUD minimum quality standards a unit must meet to be housing assisted under the voucher program.

HUD. The Department of Housing and Urban Development.

Owner/Property Manager. The agent assigned to manage the unit or property. This may be either the owner of the property or the owner's representative or managing agent or the management agent's representative, as designated by the owner.

Lease. A written agreement between an owner or an owner's agent and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Participant (Participant Family). A family that is currently receiving assistance under HVCP.

Payment standard. An amount established by the PHA that represents the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family). Payment standards are based on the HUD published established Fair Market Rents (FMR) for the voucher program.

Portability. Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

Public Assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Reasonable rent. A rent to owner that is not more than rent charged for: (1) comparable units in the private unassisted market; and (2) comparable unassisted units in the premises.

Recertification. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the participant will pay for the next 12 months.

Security Deposit. A dollar amount (maximum set according to the regulations) which can be used by the owner or the owner's agent for unpaid rent or damages to the owner upon termination of the lease.

Social Security Number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Occupancy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Tenant. The person or persons (other than a live-in aide) who execute the lease as lessee of the dwelling unit.

Tenant share. The portion of rent and utilities paid by the family. For calculation of family share, see 24 CFR § 982.515(a).

Third Party Verification – Consent to Release form. Consent form, approved by HUD, to be signed by assistance applicants and participants to obtain income information from employers and State Wage Information Collection Agencies (SWICAs); return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Unit. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

Utility allowance. 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 illegal criminal activity that has as one of its elements: the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (Housing Choice Voucher). A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher holder. A family holding a voucher with an unexpired term (search time) but is not yet a participant in the program.

Voucher program. The Housing Choice Voucher Program.