



10400 Detrick Avenue
 Kensington, MD 20895-2484
 (240) 627-9425



ADMINISTRATIVE AND REGULATORY COMMITTEE

March 21, 2022

4:00 p.m.

YouTube Link: <https://youtu.be/QBkn-Aq5BMk>

Approval of Minutes:

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Minutes

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

10400 Detrick Avenue
Kensington, Maryland 20895
(240) 627-9425

Administrative and Regulatory Committee Minutes

February 24, 2022

For the official record of the Housing Opportunities Commission of Montgomery County, an open meeting of the Administrative and Regulatory Committee was conducted via an online platform and teleconference on Thursday, February 24, 2022, with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:00 p.m. There was a livestream of the meeting held on YouTube, available for viewing [here](#). Those in attendance were:

Present

Frances Kelleher, Chair – Legislative and Regulatory Committee
Linda Croom – Commissioner

Absent

Pamela Byrd – Commissioner

Also Attending

Kayrine Brown, Acting Executive Director
Fred Swan
Charnita Jackson
Paige Gentry
Billy Buttrey
Jessie Joseph

Aisha Memon, General Counsel
Lynn Hayes
Timothy Goetzinger
Mary Phillips
Elliot Rule

Patrice Birdsong, Spec. Asst. to Commission

APPROVAL OF MINUTES

The minutes of the November 15, 2021 Administrative and Regulatory Committee meeting was approved upon a motion by Commissioner Croom and seconded by Commissioner Kelleher. Affirmative votes were cast by Commissioners Kelleher and Croom. Commissioner Byrd was necessarily absent and did not participate in the vote.

DISCUSSION/ACTION ITEMS

1. **Supportive Housing:** Authorization to Execute Lease Agreement for the Supportive Housing Program

Fred Swan, Director of Resident Services, and Mary Phillips, Manager – Supportive Housing, were present for presentation. Mr. Swan provided a presentation requesting the Administrative and Regulatory Committee to recommend to the full Commission authorization of the Acting Executive Director, or her designee, to execute lease agreements with landlords on behalf of participants in the Supportive Housing Program.

Commissioner Kelleher suggested that staff provide broader explanation of program for the benefit of Commissioners who are less familiar with the program. Staff addressed additional questions of the Commissioners. A motion was made by Commissioner Croom to join staff in recommending to the full Commission for approval at the March 2, 2022 monthly Commission meeting. Affirmative votes were cast by Commissioners Kelleher and Croom. Commissioner Byrd was necessarily absent and did not participate in the vote.

Commissioners Kelleher thanked the staff and the meeting adjourned at 4:15 p.m.

Respectfully submitted,

Kayrine Brown
Acting Secretary-Treasurer

/pmb

Deliberation and/or Action

MEMORANDUM

TO: Housing Opportunities Commission of Montgomery County
Administrative and Regulatory Committee

VIA: Kayrine Brown, Acting Executive Director

FROM: Staff: Elliot Rule Division: Executive/Compliance Ext. 9647
Jessie Joseph Division: Executive/Compliance Ext. 4855
Darcel Cox Division: Executive/Compliance Ext. 9427

RE: Authorization to Submit HOC’s Fiscal Year 2023 Annual Public Housing Agency Plan

DATE: March 21, 2022

STATUS: Consent Deliberation Status Report Future Action

OVERALL GOAL & OBJECTIVE:

To authorize the Acting Executive Director of the Housing Opportunities Commission of Montgomery County (HOC or the Commission), or her designee, to submit the Fiscal Year (FY) 2023 Annual Public Housing Agency (PHA) Plan.

BACKGROUND:

The Annual PHA Plan is to inform the U.S. Department of Housing and Urban Development (HUD), residents, and the public of HOC’s mission for serving the needs of low-income and very low-income families. HOC must submit a five-year plan highlighting its Housing Choice Voucher (HCV) and Public Housing (PH) programs. Annually, HOC must submit updates to the Five-Year PHA Plan.

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) became law on October 21, 1998. QHWRA, also known as the Public Housing Reform Law, created the PHA Plan. This year, HOC is submitting its 23rd Annual PHA Plan for HOC’s FY 2023, which begins on July 1, 2022 and ends on June 30, 2023.

HOC’s Annual PHA Plan provides details about immediate operations, program participants, programs, and services. In addition, it details the Agency's strategy for addressing the housing needs of Montgomery County residents. HOC submitted its fifth Five-Year PHA Plan for FY 2020, which covers the period of FY 2020-2024. The Five-Year PHA Plan describes HOC’s mission as well as its long-range goals and objectives for achieving its mission over the five years outlined within the Plan. Much of the current Five-Year PHA Plan focused on HOC’s use of the Rental Assistance Demonstration (RAD) program to convert the Agency’s Public Housing portfolio to Project-Based Rental Assistance (PBRA) and Project-Based Vouchers (PBV). HOC must submit the FY 2023 Annual PHA Plan to HUD 75 days prior to the start of the FY covered in the plan, which is April 17, 2022.

The substantive changes subsequent to this year's Annual PHA Plan are updates to the HCV Administrative Plan, the Housing Resources Division's (HRD) HCV PBV activity, and the addition of 118 COVID-19 Emergency Housing Vouchers.

HRD previously adopted 26 temporary COVID-19 waivers pursuant to HUD PIH Notices 2020-05, 2020-13, and 2020-33. Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, HUD had broad authority to waive statutes and regulations for the PH and HCV programs. These waivers were intended to allow program participants and PHAs to participate in and operate these programs more efficiently during the COVID-19 crisis. The waivers required updates to nine chapters within HOC's HCV Administrative Plan.

HUD subsequently published PIH Notice 2021-14 on May 4, 2021, which reinstated the waivers through December 31, 2021. In addition, HUD introduced two new waivers. The reinstatement of the original waivers and the adoption of the two additional waivers required HRD to revise the nine HCV Administrative Plan chapters.

The American Rescue Plan, which President Biden signed into law on March 11, 2021, appropriated five billion dollars for new and renewal Emergency Housing Vouchers (EHVs) to facilitate expedited leasing for families at high risk of exposure to the Coronavirus. HOC was awarded 118 EHVs based on HUD's assessment of homeless persons in Montgomery County. The EHVs are designated for the following categories: homeless, at risk of homelessness, domestic violence victims, and recently homeless and housing instability. The addition of these EHVs required updates to HOC's HCV Administrative Plan.

Staff released a draft of the FY 2023 Annual PHA Plan to the public on February 14, 2022. In addition, staff provided the Resident Advisory Board (RAB) with a copy of the FY 2023 Annual PHA Plan for review and comment. The RAB has reviewed the Plan and has provided a letter of endorsement, which HOC will submit as one of the supporting documents to HUD on, or before, April 17, 2022. To date, HOC has not received any public comments on the Annual PHA Plan. HOC will hold a virtual public hearing for the annual plan on April 6, 2022 at 2:30pm via YouTube, prior to the Commission meeting.

ISSUES FOR CONSIDERATION:

Does the Administrative and Regulatory Committee wish to join staff's recommendation to the Commission to authorize the Acting Executive Director, or her designee, to submit the FY 2023 Annual PHA Plan to HUD?

TIME FRAME:

For discussion by the Administrative and Regulatory Committee at its meeting on March 21, 2022. For formal Commission action on April 6, 2022.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Administrative and Regulatory Committee join staff's recommendation to the Commission to authorize the Acting Executive Director, or her designee, to submit the FY 2023 Annual PHA Plan to HUD on, or before, April 17, 2022.

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Applicability. The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																										
A.1	<p>PHA Name: <u>Housing Opportunities Commission of Montgomery County</u> PHA Code: <u>MD004</u></p> <p>PHA Type: <input checked="" type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA</p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2022</u></p> <p>PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)</p> <p>Number of Public Housing (PH) Units <u>0</u> Number of Housing Choice Vouchers (HCVs) <u>8,629</u> Total Combined Units/Vouchers <u>8,629</u></p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p>Availability of Information. PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA: Not Applicable</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA: Not Applicable																	
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B. Plan Elements						
B.1	<p>Revision of Existing PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Grievance Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Community Service and Self-Sufficiency Programs.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Asset Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):</p> <p>HOC made updates to the HCV Administrative Plan pursuant to PIH Notice 2021-14, reinstating the previously established waivers and alternative requirements. HOC also adopted new waivers that allow self-certification of social security numbers, self-certification of disability status, and self-certification of eligible non-citizenship status for applicants if a higher level of verification is unavailable. Staff also updated the Administrative Plan to reflect the rules governing the Emergency Housing Vouchers awarded to HOC. HOC is also in the process of making updates to our VAWA policy. Please see attached narrative for additional details.</p> <p>(c) The PHA must submit its Deconcentration Policy for Field Office review. Please see attached narrative for additional details.</p>					
B.2	<p>New Activities.</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Demolition and/or Disposition.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Designated Housing for Elderly and/or Disabled Families.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Tenant-Based Assistance.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Over-Income Families.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Police Officers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Non-Smoking Policies.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project-Based Vouchers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p>					

	Please see attached narrative.
B.3	<p>Progress Report.</p> <p>Provide a description of the PHA’s progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.</p> <p>Please see attached narrative for additional details.</p>
B.4	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.</p> <p>Please reference 10/30/2020 HUD approved form 50075.2. The Capital Fund Program Five-Year Action Plan describes the capital improvements necessary to ensure the long-term physical and social viability of HOC's Public Housing Projects.</p>
B.5	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
C.	Other Document and/or Certification Requirements.
C.1	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>The RAB has reviewed the FY 2023 Annual PHA Plan and provided a letter of endorsement. The RAB did not provide any comments for review.</p>
C.2	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.3	<p>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.4	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p>

	<p>If yes, include Challenged Elements.</p> <p>HOC will outline any challenges to the elements of this FY 2023 Annual PHA Plan upon completion of the public comment period and prior to HUD submission.</p>				
<p>C.5</p>	<p>Troubled PHA. (a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place? Y N N/A <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p> <p>Not Applicable.</p>				
<p>D.</p>	<p>Affirmatively Furthering Fair Housing (AFFH).</p>				
<p>D.1</p>	<p>Affirmatively Furthering Fair Housing (AFFH).</p> <p>Provide a statement of the PHA’s strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <p>HOC has not yet been required to submit an Assessment of Fair Housing (AFH).</p> <table border="1" data-bbox="180 1052 1455 1503"> <tr> <td data-bbox="180 1052 1455 1094"> <p>Fair Housing Goal:</p> </td> </tr> <tr> <td data-bbox="180 1094 1455 1503"> <p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> <p>HOC has created a Customer Relationship Management system to better streamline the customer complaints and Reasonable Accommodation process. This system allows HOC staff to receive and track customer concerns electronically for timely resolution. This tool allows HOC to identify root causes of issues and creates a quality assurance platform for training, as necessary.</p> </td> </tr> </table> <table border="1" data-bbox="180 1528 1455 1940"> <tr> <td data-bbox="180 1528 1455 1570"> <p>Fair Housing Goal:</p> </td> </tr> <tr> <td data-bbox="180 1570 1455 1940"> <p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> <p>HOC has engaged a Hispanic media resource to advertise Plans that require public comments. This allows HOC to reach other demographics. HOC also created an internal intranet page for Language Access Plan resources for HOC staff to assist Limited English Proficient individuals more efficiently.</p> </td> </tr> </table>	<p>Fair Housing Goal:</p>	<p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> <p>HOC has created a Customer Relationship Management system to better streamline the customer complaints and Reasonable Accommodation process. This system allows HOC staff to receive and track customer concerns electronically for timely resolution. This tool allows HOC to identify root causes of issues and creates a quality assurance platform for training, as necessary.</p>	<p>Fair Housing Goal:</p>	<p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> <p>HOC has engaged a Hispanic media resource to advertise Plans that require public comments. This allows HOC to reach other demographics. HOC also created an internal intranet page for Language Access Plan resources for HOC staff to assist Limited English Proficient individuals more efficiently.</p>
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Fair Housing Goal:

Describe fair housing strategies and actions to achieve the goal

In 2017 HOC adopted the VAWA across its entire affordable housing portfolio. Additional policy updates are currently going through the Commission approval process. Please reference section B1 (section (b), Violence Against Women Act Policy) of the attached Plan narrative.

Instructions for Preparation of Form HUD-50075-ST Annual PHA Plan for Standard and Troubled PHAs

A. PHA Information. All PHAs must complete this section. (24 CFR §903.4)

A.1 Include the full **PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCVs), PHA Plan Submission Type,** and the **Availability of Information,** specific location(s) of all information relevant to the public hearing and proposed PHA Plan. (24 CFR §903.23(4)(e))

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. Plan Elements. All PHAs must complete this section.

B.1 Revision of Existing PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.” (24 CFR §903.7)

Statement of Housing Needs and Strategy for Addressing Housing Needs. Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA’s strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR §5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR §903.7(a)).

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA’s reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii))

Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b)) Describe the PHA’s admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA’s policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. (24 CFR §903.7(b)) Describe the PHA’s procedures for maintain waiting lists for admission to public housing and address any site-based waiting lists. (24 CFR §903.7(b)). A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. (24 CFR §903.7(b)) Describe the unit assignment policies for public housing. (24 CFR §903.7(b))

Financial Resources. A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing

or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c))

Rent Determination. A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. (24 CFR §903.7(d))

Operation and Management. A statement of the rules, standards, and policies of the PHA governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA. (24 CFR §903.7(e))

Grievance Procedures. A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants. (24 CFR §903.7(f))

Homeownership Programs. A description of any Section 5h, Section 32, Section 8y, or HOPE I public housing or Housing Choice Voucher (HCV) homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

Community Service and Self Sufficiency Programs. Describe how the PHA will comply with the requirements of (24 CFR §903.7(l)). Provide a description of: **1)** Any programs relating to services and amenities provided or offered to assisted families; and **2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs subject to Section 3 of the Housing and Urban Development Act of 1968 (24 CFR Part 135) and FSS. (24 CFR §903.7(l))

Safety and Crime Prevention (VAWA). Describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must provide development-by-development or jurisdiction wide-basis: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities. (24 CFR §903.7(m)) A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5))

Pet Policy. Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. (24 CFR §903.7(n))

Asset Management. State how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory. (24 CFR §903.7(q))

Substantial Deviation. PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

Significant Amendment/Modification. PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32 REV-3, successor RAD Implementation Notices, or other RAD Notices.

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b))

B.2 New Activities. If the PHA intends to undertake any new activities related to these elements in the current Fiscal Year, mark "yes" for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark "no."

HOPE VI or Choice Neighborhoods. **1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Choice Neighborhoods; and **2)** A timetable for the submission of applications or proposals. The application and approval process for HOPE VI or Choice Neighborhoods is a separate process. See guidance on HUD's website at:

https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6. (Notice PIH 2011-47)

Mixed Finance Modernization or Development. **1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD's website at: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6/mfph#4

Demolition and/or Disposition. With respect to public housing only, describe any public housing development(s), or portion of a public housing development projects, owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition approval under section 18 of the 1937 Act (42 U.S.C. 1437p); and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA's last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. Approval of the PHA Plan does not constitute approval of these activities. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm. (24 CFR §903.7(h))

Designated Housing for Elderly and Disabled Families. Describe any public housing projects owned, assisted or operated by the PHA (or portions thereof), in the upcoming fiscal year, that the PHA has continually operated as, has designated, or will apply for designation for occupancy by elderly and/or disabled families only. Include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the

designation was approved, submitted, or planned for submission, 5) the number of units affected and; 6) expiration date of the designation of any HUD approved plan. **Note:** The application and approval process for such designations is separate from the PHA Plan process, and PHA Plan approval does not constitute HUD approval of any designation. ([24 CFR §903.7\(i\)\(C\)](#))

Conversion of Public Housing under the Voluntary or Mandatory Conversion programs. Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>. ([24 CFR §903.7\(j\)](#))

Conversion of Public Housing under the Rental Assistance Demonstration (RAD) program. Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to Project-Based Rental Assistance or Project-Based Vouchers under RAD. See additional guidance on HUD's website at: [Notice PIH 2012-32 REV-3, successor RAD Implementation Notices, and other RAD notices](#).

Occupancy by Over-Income Families. A PHA that owns or operates fewer than two hundred fifty (250) public housing units, may lease a unit in a public housing development to an over-income family (a family whose annual income exceeds the limit for a low income family at the time of initial occupancy), if all the following conditions are satisfied: (1) There are no eligible low income families on the PHA waiting list or applying for public housing assistance when the unit is leased to an over-income family; (2) The PHA has publicized availability of the unit for rental to eligible low income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family; (3) The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit; (4) The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and (5) The PHA gives the over-income family at least thirty days notice to vacate the unit when the unit is needed for rental to an eligible family. The PHA may incorporate information on occupancy by over-income families into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7](#). ([24 CFR 960.503](#)) ([24 CFR 903.7\(b\)](#))

Occupancy by Police Officers. The PHA may allow police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit. The PHA must include the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents. A "police officer" means a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify. The PHA may incorporate information on occupancy by police officers into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7](#). ([24 CFR 960.505](#)) ([24 CFR 903.7\(b\)](#))

Non-Smoking Policies. The PHA may implement non-smoking policies in its public housing program and incorporate this into its PHA Plan statement of operation and management and the rules and standards that will apply to its projects. See additional guidance on HUD's website at: [Notice PIH 2009-21 and Notice PIH-2017-03](#). ([24 CFR §903.7\(e\)](#))

Project-Based Vouchers. Describe any plans to use Housing Choice Vouchers (HCVs) for new project-based vouchers, which must comply with PBV goals, civil rights requirements, Housing Quality Standards (HQS) and deconcentration standards, as stated in 983.57(b)(1) and set forth in the PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. If using project-based vouchers, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan ([24 CFR §903.7\(b\)](#)).

Units with Approved Vacancies for Modernization. The PHA must include a statement related to units with approved vacancies that are undergoing modernization in accordance with [24 CFR §990.145\(a\)\(1\)](#).

Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

For all activities that the PHA plans to undertake in the current Fiscal Year, provide a description of the activity in the space provided.

B.3 Progress Report. For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.7\(r\)\(1\)](#))

B.4 Capital Improvements. PHAs that receive funding from the Capital Fund Program (CFP) must complete this section ([24 CFR §903.7\(g\)](#)). To comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan in EPIC and the date that it was approved. PHAs can reference the form by including the following language in the Capital Improvement section of the appropriate Annual or Streamlined PHA Plan Template: "See Capital Fund 5 Year Action Plan in EPIC approved by HUD on XX/XX/XXXX."

B.5 Most Recent Fiscal Year Audit. If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. ([24 CFR §903.7\(p\)](#))

C. Other Document and/or Certification Requirements.

C.1 Resident Advisory Board (RAB) comments. If the RAB had comments on the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))

C.2 Certification by State or Local Officials. Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. ([24 CFR §903.15](#)). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan. Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form

HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154 or 24 CFR 5.160(a)(3) as applicable; (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations, impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o)).

C.4 Challenged Elements. If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

C.5 Troubled PHA. If the PHA is designated troubled, and has a current MOA, improvement plan, or recovery plan in place, mark "yes," and describe that plan. Include dates in the description and most recent revisions of these documents as attachments. If the PHA is troubled, but does not have any of these items, mark "no." If the PHA is not troubled, mark "N/A." (24 CFR §903.9)

D. Affirmatively Furthering Fair Housing (AFFH).

D.1 Affirmatively Furthering Fair Housing. The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) ... Strategies and actions must affirmatively further fair housing" Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan.

Public reporting burden for this information collection is estimated to average 7.52 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.



Fiscal Year (FY) 2023 Annual Public Housing Agency Plan submission Housing Opportunities Commission of Montgomery County (HOC) Narrative and Additional Information

A1: PHA Information

The Public may view the PHA Plan and supporting documentation, and obtain information regarding any of the activities outlined in this plan at HOC's website, www.hocmc.org. HOC typically makes this information available at its main administrative office (10400 Detrick Avenue, Kensington, Maryland 20895) and at the three (3) satellite offices listed below, but these offices are closed to the public indefinitely due to the COVID-19 Pandemic.

HOC Gaithersburg Customer Service Center **(Closed to the Public indefinitely)**
101 Lake Forest Blvd.
#200
Gaithersburg, Maryland 20877

HOC Silver Spring Customer Service Center **(Closed to the Public indefinitely)**
880 Bonifant Street
Silver Spring, Maryland 20910

HOC East Deer Park Office **(Closed to the Public indefinitely)**
231 East Deer Park Drive
Gaithersburg, Maryland 20877

Additional documents and supporting documents for this PHA Plan, that are also available for viewing at HOC's website, www.hocmc.org, are listed below.

1. Form HUD-50057-ST-HCV-HP: PHA Certification of Compliance with the PHA Plans and Related Regulations;
2. HUD Form 50077-CR: Civil Rights Certification;
3. Resident Advisory Board PHA Plan Endorsement Letter;
4. Form HUD 50077-SL: Certification by State or Local Official of PHA Plan's Consistency with the Consolidated Plan or State Consolidated Plan;
5. HOC's FY 2020-2024 Five Year PHA Plan and FY 2022 Annual PHA Plans;
6. Housing Choice Voucher Administrative Plan;
7. Public Housing Admissions and Continued Occupancy Policy;
8. Public Housing Capital Fund Program Five-Year Action Plan: 2017-2021; and
9. HOC's Violence Against Women Act Policy.

Pursuant to Section 511 of the United States Housing Act and the regulations in 24 CFR part 903, HOC is required to establish a resident Advisory Board (RAB). The RAB is comprised of individuals who reflect and represent the residents assisted by HOC. Their role is to assist HOC in developing the PHA Plan. The RAB has reviewed the FY 2023 Annual PHA Plan draft and provided a letter of endorsement. There were no comments submitted for review.

This FY 2023 PHA Annual Plan includes a minimum 45-day public comment period, which began February 14, 2022. The public comment period will culminate with a public hearing currently scheduled for Wednesday, April 6, 2022 at 2:30pm via YouTube. HOC will receive public comments via phone, mail, and email. Interested parties may also attend the public hearing virtually and can visit HOC's website, www.hocmc.org, for additional details.

B1: Revision of Plan Elements

HOC has completed the conversion of all Public Housing (PH) units via Component One of the Rental Assistance Demonstration (RAD) program. HOC currently operates no PH units and all previous PH tenants' assistance has been converted pursuant to the RAD Component One regulations outlined in PIH Notice 2019-23 (Rental Assistance Demonstration-Final Implementation, Revision 4). Staff outlined the details of the RAD conversion in HOC's FY 2022 PHA Annual Plan. As part of HOC's RAD portfolio conversion, HOC elected not to close out the PH program, and currently has PH Capital Fund Program (CFP) funds that have been budgeted through HUD's EPIC system. HOC is exploring its use of the Faircloth Limit for future potential development under the RAD program. HOC's Public Housing Admissions and Continued Occupancy Policy (ACOP) previously governed HOC's Public Housing program. Since, HOC has converted all of its PH units, this document is no longer relevant.

HOC is in the final stage of the overall closeout of the RAD program. Elizabeth House III is currently under construction and is the final project to be completed under RAD. HOC will officially close out this project through the RAD Resource Desk once we receive the Completion Certification and all residents are relocated to the new property. This is anticipated for the fall of 2022. The RAD PBRA and PBV HAP contracts are tied to the new Elizabeth House III property.

HOC's Housing Choice Voucher (HCV) and Project Based Voucher (PBV) programs are governed by HOC's Administrative Plan. The Administrative Plan derives its layout and much of its content from the Code of Federal Regulations (CFR), Title 24, Part 982—Section 8 Tenant Based Assistance: Housing Choice Voucher Program and Title 24, and Part 983.

- HOC's policies for HCV admission eligibility are established in Chapter Two of the HOC Administrative Plan.
- HOC's policies for persons applying for HCV admission are established in Chapter Three of the HOC Administrative Plan.
- HOC's HCV waitlist and selection processes are established in Chapter Three of the HOC's Administrative Plan.

- All of HOC's PBV policies are established in Chapter 22 of the HOC Administrative Plan.

Eligibility for HOC's HCV program is determined when an applicant is called from the wait list. HOC uses the following criteria for screening applicants:

- a. An applicant must be a "family". A family may be a single person or group of persons.
- b. An applicant must be within the appropriate Income Limits.
- c. An applicant must furnish Social Security Numbers for all family members.
- d. An applicant must furnish Declaration of Citizenship or Eligible Immigrant Status and verification where required.
- e. At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance.
- f. Criminal or drug related activity only to the extent required by law or regulation including criminal records from local and state law enforcement agencies. HOC checks national and state sex offender registries and will deny persons subject to lifetime registration. HOC will review, on a case by case basis, the issues related to any applicant who is registered as a sex offender for other than their lifetime.

Section (b):

The following section highlights revisions made to HOC's plan elements.

Covid19 Waivers:

HOC previously reported adopting 26 temporary COVID-19 waivers outlined in PIH Notice 2020-33. These waivers were a result of the Coronavirus Aid, Relief and Economic Security (CARES) Act that President Trump signed into law on March 17, 2020.

HUD subsequently published PIH Notice 2021-14 on May 4, 2021 restating the waivers and alternative requirements previously established on November 30, 2020 in PIH Notice 2020-33. PIH Notice 2021-14 also extends the period of availability for previously established waivers until December 31, 2021. The notice also introduces two new waivers that allows the Public Housing Authority (PHA) to accept self-certification of income in place of third party verification, and self-certification of social security numbers, self-certification of disability status and self-certification of eligible non-citizenship status for applicants if a higher level of verification is unavailable. Below is a list of waivers that HOC previously adopted and extended to December 31, 2021 pursuant to PIH Notice 2021-14, along with the two new waivers.

- **PH and HCV-2** (Adopted 4/20/20): Permits the PHA to delay the annual reexamination of income and family composition. PHAs must implement HCV-7 (referenced below) for impacted families if they implement this waiver. Period of Availability: December 31, 2021.
- **PH and HCV-3** (Adopted 4/20/20): Waives the requirements to use the income hierarchy,

including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification. PHAs must also address material income discrepancies that may arise later. Period of Availability: December 31, 2021.

- **PH and HCV-4** (Adopted 4/20/20): Waives the requirements to use income verification requirements, including the use of EIV for interim reexaminations. Period of Availability: December 31, 2021.
- **PH and HCV-5** (Adopted 4/20/20): Waives the mandatory EIV monitoring requirements. Period of Availability: December 31, 2021.
- **PH and HCV-6** (Adopted 4/20/20): Provides for extensions to Family Self Sufficiency (FSS) contract of participation. Period of Availability: December 31, 2021.
- **PH and HCV-8 (New)** (Adopted 7/1/21): Waives the third-party income verification requirements for applicants, and allows PHAs to consider self-certification as the highest form of income verification at admission. Period of Availability: December 31, 2021.
- **PH and HCV-9 (New)** (Adopted 7/1/21): Waives the requirements to obtain and verify social security number documentation and documentation evidencing eligible non-citizen status before admitting applicants to the HCV and Public Housing programs. PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. Period of Availability: December 31, 2021.
- **Housing Quality Standards (HQS)-1** (Adopted 4/20/20): Changes initial inspection requirements allowing for owner certification that there are no life-threatening deficiencies. If self-certification is used, the PHA must inspect the unit no later than the one-year anniversary of the date of owner's certification. This waiver does not include a waiver of 24 CFR 35.15, visual assessment for deteriorated paint. Period of Availability: December 31, 2021.
- **HQS-2** (Adopted 4/20/20): Changes inspection requirements to allow for owner certification that there are no life-threatening deficiencies. Where self-certification is used, the PHA must inspect the unit no later than the one-year anniversary of the date of the owner's certification. Period of Availability: December 31, 2021.
- **HQS-3** (Adopted 4/20/20): Allows for an extension of up to 30 days for owner repairs of non-life-threatening conditions. Period of Availability: December 31, 2021.
- **HQS-4** (Adopted 4/20/20): Under the Initial HQS Alternative Inspection Option, this waiver allows for commencement of assistance payments based on owner certification that there are no life threatening deficiencies. Period of Availability: December 31, 2021.

- **HQS-6** (Adopted 4/20/20): Waives the requirement for the PHA to conduct interim inspections and requires an alternative method. It allows for repairs to be verified by alternative methods. Period of Availability: December 31, 2021.
- **HQS-7** (Adopted 4/20/20): Allows Project Based Voucher (PBV) turnover units to be filled based on owner certification that there are no life-threatening deficiencies. It also allows for a delayed full HQS inspection not less than the one-year anniversary of the date of the owner's certification. Period of Availability: December 31, 2021.
- **HQS-8** (Adopted 4/20/20): Allows for PBV units to be added or substituted in the HAP contract based on owner certification that there are no life-threatening deficiencies. It also allows for delayed full HQS inspection not less than the one-year anniversary of the owner's certification. Period of Availability: December 31, 2021.
- **HQS-9** (Adopted 4/20/20): Provides for a suspension of the requirement for Quality Control (QC) sampling inspections. Period of Availability: December 31, 2021.
- **HQS-11** (Adopted 4/20/20): Requirement to perform initial HQS inspections in order to begin making homeownership assistance payments, and requires the family to obtain independent professional inspection. Period of Availability: December 31, 2021.
- **Housing Choice Voucher (HCV)-1** (Adopted 7/20/20): Establishes an alternative requirement that policies may be adopted without board approval until September 30, 2021, and that any provisions adopted informally must be adopted formally by December 31, 2021.
- **HCV-2** (Adopted 4/20/20): Waives the requirement for an oral briefing and provides for alternative methods to conduct required voucher briefings, such as webcast, video call, or expanded information packet. Period of Availability: December 31, 2021.
- **HCV-3** (Adopted 4/20/20): Allows PHAs to provide voucher extensions regardless of current PHA policy. Period of Availability: December 31, 2021.
- **HCV-4** (Adopted 4/20/20): Provides for Housing Assistance Payment (HAP) payments for contracts not executed within 60 days. Period of Availability: December 31, 2021.
- **HCV-5** (Adopted 4/20/20): Allows for PHA discretion on absences from units longer than 180 days. PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 days. Period of Availability: December 31, 2021.
- **HCV-6** (Adopted 4/20/20): Allows PHAs to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically. Period of Availability: December 31, 2021.

- **HCV-7** (Adopted 4/20/20): Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination. Period of Availability: December 31, 2021.
- **HCV-9** (Adopted 4/20/20): Requirement for the family to obtain pre-assistance counseling in the homeownership program. Period of Availability: December 31, 2021.
- **HCV-10** (Adopted 4/20/20): Pertains to the Family Unification Program (FUP) and allows PHAs to increase the age to 26 for foster youth's initial lease-up. Period of Availability: December 31, 2021.
- **HCV-12** (Adopted 7/20/20): Applies to FUP and allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days. Period of Availability: December 31, 2021.
- **HCV-13** (adopted 7/20/20): Allows a PHA to extend homeownership assistance for up to one additional year. Period of Availability: December 31, 2021.
- **HCV-14** (Adopted 7/20/2020): Allows a PHA to keep a PBV unit under contract for a period of time that extends beyond 180 days from the last HAP, but does not extend beyond December 31, 2020. Period of Availability: December 31, 2021.

Pursuant to PIH Notice 2021-14, HOC implemented the extended period of availability of the existing Covid-19 waivers previously adopted, and adopted the two new waivers indicated above (PH and HCV 8 and 9). This required HOC to update the following chapters of its Housing Choice Voucher Administrative Plan.

- **Chapter 4** (Establishing Preferences and Maintaining the Wait List): Updates to this chapter read that HOC may accept referrals from child welfare agencies for youth who will leave foster care within 120 days. HOC may execute a HAP contract on behalf of any otherwise eligible FUP youth not more than 25 years of age (not reached 26th birthday). The temporary provision expired December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 6** (Factors Related to Total Tenant Payment and Family Share Determination): Updates to this chapter read that HOC may continue to make HAP payments and not terminate the HAP contract if the family is absent for more than 180 consecutive days due to extenuating circumstances. This temporary policy expired on December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 7** (Verification Procedures): Updates to this chapter read that HOC may forgo third-party income verification until December 31, 2021. This temporary verification method is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, HOC may accept self-certification of disability status if a higher level of verification is not immediately available. If HOC accepts a self-certification, HOC must obtain a higher level of verification within 90 days of admission. This temporary waiver expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, HOC may forgo obtaining documentation of eligible non-citizenship status before admittance to the HCV program. HOC will accept self-certification in lieu of the required documentation. Families must provide the required documentation within 90 days of admission to be eligible for continued assistance, pending verification until December 31, 2021. This waiver was implemented in accordance with the waiver flexibility authorized on PIH Notice 2021-14.

Additionally, HOC may forgo obtaining documentation of valid social security numbers for household members. HOC will accept self-certification in lieu of required documentation. The family must submit the required documentation within 90 days of admission to be eligible for continued assistance, pending verification until December 31, 2021. HOC implemented this waiver in accordance with the waiver flexibility authorized on PIH Notice 2021-14.

Additionally, HOC may accept self-certification of date of birth if a higher level of verifications not immediately available. If HOC accepts a self-certification, HOC must obtain a higher level of verification within 90 days of admission. This temporary waiver expired on December 31, 2021, and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

- **Chapter 8** (Voucher Issuance and Briefings): Updates to this chapter read that HOC may conduct initial applicant briefings by other means, such as webcast, video call, or expanded information packet. These alternative methods expired on December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to this chapter read that HOC may grant extensions for other non-listed reasons through December 31, 2021. This temporary policy is in accordance with waiver flexibility authorized in PIH Notice 2021-14.

- **Chapter 9** (Request for Approval of Tenancy and Contract Execution): Updates to this chapter reads that, through December 31, 2021, HOC may execute the HAP contract no later than 120 days from the beginning of the lease term. This temporary policy is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 10** (Housing Quality Standards and Inspections): Updates to this chapter read that, in relation to timely initial HQS inspections, through December 31, 2021, HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit instead of conducting an initial inspection. HOC must conduct an inspection in the unit no later than one year from the date of the owner's certification.

This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to chapter 10 read that, through December 31, 2021, HOC may authorize occupancy of a unit if the unit passed an alternative inspection in the previous 24 months. The owner must certify that he/she has reasonable basis to have knowledge that no life-threatening conditions exist in the unit. HOC must conduct the HQS inspection no later than one year from the date of the owner's certification. This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to chapter 10 reads that HOC may provide the owner an additional 30 days to make repairs or non-life-threatening deficiencies. The period of availability to approve an additional 30 days is temporary and ended December 31, 2021. This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, in the PBV section of chapter 10, updates read that for pre-HAP contract inspections, HOC is not required to conduct pre-contract inspections and may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the PBV units. HOC must inspect the units no later than one year from the date of the owner's certification. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, in the PBV section of chapter 10, updates read that HOC may waive the initial inspection requirement to fill a turnover PBV unit. HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the PBV units. HOC must inspect the units no later than one year from the date of the owner's certification. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, the PBV section of chapter 10, updates read that HOC may amend the PBV HAP contract to add additional PBV contract units or to substitute a different unit for a previously covered contract unit without conducting an initial inspection. This is subject to the PBV program cap and income mixing requirements. HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question. HOC must inspect the unit no later than one year from the date of the owner's certification. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, regarding special/complaint inspections under chapter 10, if the reported deficiency is life-threatening HOC will notify the owner of the deficiency in lieu of conducting an inspection. The owner must correct the deficiency within 24 hours of the HOC notification or provide documentation that the deficiency does not exist. HOC is not required to conduct an on-site

inspection to verify that the repairs have been made, but may rely on alternative verification methods. This temporary provision expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

- **Chapter 12** (Re-certifications): Updates to this chapter read that HOC may delay the completion of the annual recertification until December 31, 2021. This temporary delay is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.
- **Chapter 21** (Housing Choice Voucher Homeownership Option): Updates to this chapter read that HOC may permit a family to purchase a home without fulfilling pre-assistance homeownership counseling requirements. This temporary provision expired December 31, 2021 in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to Chapter 21 reads that, through December 31, 2021, HOC may waive the initial homeownership inspection requirement. This temporary policy is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Additionally, updates to Chapter 21 read that HOC may extend the maximum term of home ownership assistance for one year if the family is in the last year of the term and is experiencing financial hardship as a result of the COVID-19 Pandemic. This temporary policy is in accordance with the waiver flexibility authorized in PIH Notice 2021-14 and has a period of availability of December 31, 2021.

- **Chapter 22** (Housing Choice Voucher Project-Based Program): Under the PBV program, HOC is typically required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner. Updates to this chapter read that, in response to the COVID-19 Pandemic, at its discretion, HOC may keep a unit under contract for a period of time that exceeds 180 days, but does not extend beyond December 31, 2021. This temporary policy expired on December 31, 2021 and is in accordance with the waiver flexibility authorized in PIH Notice 2021-14.

Emergency Housing Vouchers:

President Biden signed the American Rescue Plan (ARP) into law on March 11, 2021, in response to the ongoing impact of the COVID-19 pandemic. The ARP appropriates \$5 billion dollars for new and renewal Emergency Housing Vouchers (EHVs), to facilitate expedited leasing for families at high risk of exposure to the corona virus.

HOC was awarded 118 EHVs based on HUD's assessment of the number of homeless persons in Montgomery County and HOC's operational capacity to quickly lease the EHV families. To qualify for an EHV, an individual or family must meet one of four eligibility categories:

1. Homeless,
2. At risk of homelessness,
3. Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking, or
4. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

Eligible EHV families are not selected from the HOC waitlist. Rather the Continuum of Care (CoC) sends HOC referrals. This is the local planning body responsible for coordinating the full range of homeless services for a specific geographic region. The local Department of Health and Human Services ("HHS") is designated as the CoC for Montgomery County. HOC may also accept direct referrals from Victim Service Providers (VSPs), if the CoC is unable to identify families that may be eligible for EHV's because they are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking.

HOC entered into a Memorandum of Understanding (MOU) with the CoC on July 29, 2021, to establish a partnership for the administration of the EHV's. The CoC is responsible for verifying that the referred applicant meets one of the four aforementioned eligibility categories. To expedite and facilitate EHV leasing, HUD has modified the traditional voucher program requirements and established alternative requirements that apply only to the administration of the EHV's as identified in Chapter 4 (Establishing Preferences and Maintaining the Wait List) of the HOC Administrative Plan.

Chapter 4 (Establishing the Wait List and Maintaining Preferences) of the Administrative Plan was updated with a new section for EHV's, which included the following:

- Number of EHV vouchers administered by HOC
- Referral process
- Maintenance of separate wait list
- Eligibility criteria
- Prohibition of denial of admission (CFR Title 24, part 982.552 and 982.55)
- HOC criteria for denial of admissions (CFR Title 24, part 982.553)
- Voucher Issuance/Lease Term
- Additional services provided to EHV participants
- Portability requirements
- Initial Certifications
- Housing Quality Standards Inspections
- Interim Examinations

Violence Against Women Act (VAWA) Policy:

HOC is currently in the process of updating our VAWA Policy in accordance with the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4, 127 Stat. 54, approved March 7, 2013, at 127 Stat.

101), and subsequent HUD PIH Notices 2017-05, and 2017-08. Staff will present the following updates to the Commission for approval:

- Updates to include HUD and non-HUD housing programs;
- HOC's addition of Low Income Housing Tax Credit to the list of covered programs;
- Requirement for all HOC Tenant Selection Plans to include policies and procedures covering VAWA protections,
- Updates to wording for VAWA Accommodation Requests, including examples of accommodations, method to submit a request, required documentation, and record retention.
- Emergency VAWA transfers under the Housing Choice Voucher program (tenant and project-based vouchers).

This process will also result in updates to Chapter 1 (Statement of Policies and Objectives) of HOC's HCV Administrative Plan. Any updates to the Administrative Plan will also go through the proper public comment period and approval process.

Section (C): Deconcentration

HOC's Public Housing Deconcentration Policy is described in Chapter 10 of the Agency's Admissions and Continued Occupancy Policy (ACOP), which governed HOC's Public Housing program. Although HOC has converted all of its PH units and tenants through the use of RAD Component One, rendering the ACOP no longer relevant, HOC's PH Deconcentration policy is referenced below, as requested for this section. More specifically, Sections 10.4 and 10.5 read the following:

10.4 Deconcentration Policy:

It is HOC's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Towards this end, we may skip families on the wait list to reach other families with a lower or higher income. Additionally, the Housing Opportunities Commission may use flat rents to encourage higher-income eligible residents to lease or remain in a public housing unit. We will accomplish this in a uniform and non-discriminatory manner.

HOC will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

10.5 Deconcentration Incentives:

Subject to its annual deconcentration analysis, the HOC may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

B2: New Activities

HOC administered a Project-Based Voucher (PBV) Housing Assistance Payment (HAP) contract with HOC's Town Center Apartments for sixty-two (62) senior housing apartments. HUD executed the PBV HAP contract on July 1, 2019. HUD awarded HOC tenant protection vouchers for At-Risk Households in Low-Vacancy Areas (Low-Vacancy Vouchers or "LVV") for residents of Town Center Apartments under the Second Component of the RAD program and Section III (A) of Notice PIH 2018-02. Under this program, HOC elected to administer the PBV HAP contract. The property's triggering event was the maturation of its Section 236 mortgage on May 1, 2019.

As part of HOC's ongoing commitment to enhance communities and provide stronger opportunities to customers currently living at Town Center Apartments, HOC is currently completing the new construction of senior property, Residences on the Lane (formerly referred to as Upton II), in downtown Rockville. Residences on the Lane will be the replacement property for the residents of Town Center Apartments and was developed under the Low Income Housing Tax Credit (LIHTC) program. HOC is in the process of relocating the current tenants from Town Center Apartments.

The PBV HAP contract for the Low-Vacancy Vouchers cannot be assigned to the Residences on the Lane and that contract was ultimately terminated. All of the residents who received PBV assistance under the LVV contract were offered a tenant-based voucher to relocate. Most of the residents indicated a strong preference to relocate to the new Residences on the Lane property. Please note, HOC followed all of the requirements of the Uniform Relocation Act (URA) for all residents relocating from Town Center Apartments.

The new Residences on the Lane property is located within Rockville Housing Enterprises (RHE) jurisdiction for the Housing Choice Voucher Program. HOC and RHE executed a Memorandum of Understanding (MOU) allowing HOC to continue to administer the vouchers for the residents relocating to the Residences on the Lane. The residents are elderly and the portability process generally requires a great deal of time to lease a unit successfully. HOC's goal is to simplify the transfer process for this vulnerable population, if they choose to relocate to the Residences on the Lane. Moreover, the residents relocating will have to recertify annually for the LIHTC and Project Based Rental Assistance programs with management agent staff, and with HOC staff for the Housing Choice Vouchers. Allowing HOC to continue to administer these vouchers will allow continuity of the residents working with HOC's voucher program staff. Additionally, we recognize that the porting process can be an administrative burden on both HOC and RHE.

This request applies only for the current 62 Town Center residents relocating to the Residences on the Lane. Any other transfer to Rockville Housing Enterprises jurisdiction will continue to follow the prescribed portability process already in place.

During FY 2021, and pursuant to the PBV regulations outlined in 24 CFR 983 and PIH Notice 2017-21, HOC posted a Request for Proposal for its HCV program. HOC intended to project-base a total of 100 units using competitive selection process and utilized the selection criteria described in HOC's Administrative Plan ensuring compliance with PBV goals, civil rights requirements, Housing Quality Standards (HQS), and deconcentration standards, as stated in 24 CFR 983.57 and set forth in the PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions for the HCV program. HOC successfully project-based all 100 units throughout Montgomery County, including properties located in Silver Spring, Bethesda, Rockville, Wheaton, Germantown, Clarksburg, and Gaithersburg.

In accordance with the Code of Federal Regulations (CFR) at 24 CFR 983.6 and HOC's Administrative Plan, the maximum amount of PBV assistance that HOC may provide is up to 20 percent of the amount of the HCV program baseline (currently 8,629). HOC currently has 970 PBV units located throughout Montgomery County, Maryland, including Silver Spring, Aspen Hill, Bethesda, Montgomery Village, Gaithersburg, Rockville, Germantown, Chevy Chase, Wheaton, Takoma Park, Clarksburg, and Boyds.

B3: Progress Report

HOC continues to make positive strides toward meeting the mission and goals described in its FY 2020 – 2024 Five-Year Plan. Below are some highlights of HOC's efforts over this past year:

- **Real Estate Development Team:** Development of affordable housing.
 - HOC has developed and is developing affordable, mixed-use developments in Montgomery County.

- **Housing Resources Division (HRD):** Operation of HOC's Housing Choice Voucher program.
 - HRD oversees two Customer Service Centers (Down-County, Silver Spring, and Up-County, Gaithersburg). The centers have been closed to the public indefinitely due to the COVID-19 pandemic from March 2020 to present. HRD previously adapted its operations in order to operate efficiently and provide the same level of services as pre-COVID-19. These modifications included teleworking, electronic certifications, limited in-office hours for critical staff, remote customer voucher issuance and relocation briefings, remote landlord informational briefings, and remote informal hearings. These modifications have continued successfully throughout the pandemic and will remain in effect until conditions are deemed safe.

 - HRD has worked assiduously to increase the utilization rate of the Housing Choice Voucher program. HOC identified a leasing strategy with the Department of Housing and Urban Development (HUD) to obtain a 95% leasing rate by the end of calendar year 2021.

Monthly, staff selected 150-200 applicants from the wait list to determine program eligibility for the HCV program. Overall, HOC selected 2,317 applicants from the waitlist during calendar year 2021.

The response rate is extremely low during the pandemic and often certification packets trickle in after the requested return date. The mailing time is also slower than usual. As a result, correspondence is sent electronically to the customer email address on the application, and by the US Postal Service. Additionally, staff conducted outreach to applicants with vouchers nearing expiration.

HRD continues to monitor the utilization rate monthly and work to achieve and maintain a 95% leasing rate. The current rate is 94%.

- **Inspection Services (Housing Resources Division):** Operates HOC's Housing Choice Voucher Housing Quality Standards inspection program.
 - HOC's Inspection Services team previously phased in the use of virtual inspections for annual and initial inspections in order to continue to ensure safe and appropriate housing for our HCV customers during the COVID-19 pandemic. The team also allowed virtual inspections for our most vulnerable population. This option will remain in effect.
 - HOC is currently working to permanently implement remote video inspections through our third party inspections company, Inspection Experts, Inc. (IEI). IEI's Virtual HQS system uses an interactive application, which can be used on any smartphone or tablet. In-person inspections are to be granted on an as-needed basis, or if requested by the customer.

- **Resident Services:** Provide supportive services to all of HOC's customers.
 - Resident Services continues to provide paramount supportive services to HOC customers, including HCV recipients. As a result of the pandemic, there has been a rise in requests for services from Resident Service staff, who seamlessly adapted their services to support HOC participants through phone, virtual platforms, and limited door-to-door services for extenuating circumstances (crises and lack of access to virtual platforms). They continue to offer general services, including need-based workforce assessments, wellness checks, information, and referrals. They also supply HOC participants who have specific needs with food assistance and other essentials, such as facemasks and cleaning supplies. Most notably during the pandemic, are the meaningful supportive services provided to the children and youth who faced unexpected closure of schools, childcare centers, and many of the community spaces that children and families typically utilize. These closures limited access to support networks and help from adults outside the home.

Lastly, HOC's Resident Services Division continues to provide education programs for youth; workforce, health and wellness programs for adults; and support for our elderly population through the use of virtual platforms and in-person (as needed).

- HOC has continued to work with staff, other local agencies, and outside partners to enhance its fair housing efforts.

Violence Against Women Act (VAWA) Goals: Currently policy under revision (see Section B1 above).

To help meet the goals of the Violence Against Women Act (VAWA), HOC provides support and referrals to counseling for victims of domestic violence, dating violence, sexual assault, or stalking. HOC's partner, the Montgomery County Department of Health and Human Services, features an Abused Persons Program (240-777-4673), which provides 24-hour services, including access to counseling and shelters. HOC has an Agency-wide VAWA Policy which clearly defines and describes HOC's efforts to ensure that VAWA victims retain their housing assistance. HOC also assists victims with referrals to obtain restraining orders.

On November 16, 2016, the U.S. Department of Housing and Urban Development (HUD) published a new Final Rule implementing the housing protections authorized in the Violence Against Women Reauthorization Act of 2013 ("VAWA 2013" or "2013 Act"). Despite the VAWA 2013 Final Rule's identification that a formal PHA policy is not required in order to implement the provisions of VAWA 2013, HOC's Commission chose to develop a single, stand-alone VAWA policy which describes HOC's commitment to VAWA adherence and enforcement.

HOC's new VAWA Policy has the following principal goals and objectives:

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA;
- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault, or stalking who are assisted by HOC;
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking;
- D. Creating and maintaining collaborative arrangements between HOC, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, sexual assault, or stalking, who are assisted by HOC; and
- E. Taking appropriate actions in response to an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, affecting individuals who HOC assists.

Additionally, HOC's VAWA Policy states the Agency's commitment to cooperate with organizations and

entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If HOC staff becomes aware that an HOC assisted individual is a victim of domestic violence, dating violence, sexual assault, or stalking, HOC will refer the victim to such providers of shelter or services as appropriate. While HOC's VAWA Policy does not create any legal obligation requiring HOC either to maintain a relationship with any particular provider of shelter or services to victims or domestic violence, dating violence, sexual assault, or stalking or to make a referral in any particular case, HOC's Emergency Transfer Plan does describe providers of shelter or other services to victims of domestic violence, dating violence, sexual assault, or stalking with which HOC has referral or other cooperative relationships.

Lastly, HOC's VAWA Policy incorporates and explains the Agency's use of the following four HUD documents required as per the VAWA 2013 Final Rule:

1. Notice of Occupancy Rights under the Violence Against Women Act;
2. Model Emergency Transfer Plan for Victims of Domestic Violence;
3. Certification of Domestic Violence; and
4. Emergency Transfer Request for Victims of Domestic Violence.

B4: Capital Improvements

Please reference HUD form 50075.2 approved by HUD on 10/30/2020. The Capital Fund Program Five-Year Action Plan describes the capital improvements necessary to ensure the long-term physical and social viability of HOC's Public Housing Projects.

B5: Most Recent Fiscal Year Audit

No Findings were reported for FY 2021.

C1: Resident Advisory Board (RAB) Comments

The RAB has reviewed the FY 2023 Annual PHA Plan and did not have comments. Please see letter of endorsement.

C2: Certification by State or Local Officials

Pofen Salem, Chief of the Division of Finance and Administration (Montgomery County, MD), reviewed the Five-Year and FY 2023 Annual PHA Plans, and executed this certification.

C3: Civil Rights Certification/Certification Listing Policies and Programs that the PHA has revised since Submission to its Last Annual Plan

HOC's Acting Executive Director, Kayrine Brown, will execute this certification prior to the completion of this FY 2023 PHA Annual Plan.

C4: Challenged Elements

HOC will outline any challenges to the elements of this FY 2023 Annual PHA Plan upon completion of the public comment period.

C5: Troubled PHA

Not applicable.

D1: Affirmatively Furthering Fair Housing (AFFH)

HOC has not been required to submit an Assessment of Fair Housing (AFH). Please see template for other notes.



RESIDENT ADVISORY BOARD
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895
240-627-9735

February 18, 2022

Members

Lakeyia Thompson
President

Tashea Walters
Vice President

Shawntel Thomas
Secretary

Kathleen Flanagan
Parliamentarian

Vacant
Treasurer

Linda Croom
Commissioner

Ms. Kayrine Brown
Acting Executive Director
Housing Opportunities Commission
10400 Detrick Avenue
Kensington, Maryland 20895

RE: Endorsement of FFY 2022 (HOC FY 2023) PHA Plan

Dear Ms. Brown:


This letter certifies that the Resident Advisory Board (RAB) to the Housing Opportunities Commission (HOC) of Montgomery County reviewed and discussed the proposed Federal Fiscal Year (FFY) 2022 (HOC FY 2023) Annual Public Housing Agency (PHA) Plan. Please be advised that the RAB fully supports and endorses the proposed PHA Plan.

We are pleased that the Housing Resources Division (HRD), Resident Services Division, Real Estate Development Division, and the agency as a whole, have adapted during the COVID-19 pandemic to continue to provide housing opportunities and services to our customers. Specifically, the COVID-19 waivers adopted and extended by HRD enabled HOC to continue to serve our Housing Choice Voucher (HCV) Customers efficiently during the pandemic. The 118 Emergency Housing Vouchers also allowed HOC to provide assistance to homeless and other at-risk individuals during the pandemic.

It is also important to note that HRD has been working with HUD to increase and ultimately maintain utilization rates of the HCV program to 95% in order to maximize affordable housing opportunities to Montgomery County residents.

The demand for affordable housing in Montgomery County remains far higher than the supply, as evidenced by the 45,923 active applicants on HOC's affordable housing wait list. It is imperative that HOC continue to provide affordable housing opportunities to residents, not only through the HCV program, but also through the preservation and development of affordable housing units in its portfolio.

Sincerely,


Ms. Lakeyia Thompson
President

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Pofen Salem, the Chief of the Division of Finance and Administration
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2020-2024 and/or Annual PHA Plan for
fiscal year 2023 (HUD 2022) of the Housing Opportunities Commission is consistent with
the

PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

Montgomery County Department of Housing and Community Affairs
Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or
State Consolidated Plan.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will
prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official: Pofen Salem	Title: Chief of the Division of Finance and Administration
Signature: <i>Pofen Salem</i>	Date: 2/17/2022

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S.
Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information
are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to
ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing
instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD
may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Certifications of Compliance with
PHA Plan and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations
including PHA Plan Elements that Have Changed**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or X Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 07/2022, in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
 12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
 13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
 16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
 21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Housing Opportunities Commission

MD004

PHA Name

PHA Number/HA Code

 x Annual PHA Plan for Fiscal Year 20 23

 5-Year PHA Plan for Fiscal Years 20 - 20

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Executive Director

Name Board Chairman

Kayrine Brown, Acting Executive Director

Signature

Date

Signature

Date

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Civil Rights Certification
(Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 3/31/2024

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning 07/2022 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction’s initiatives to affirmatively further fair housing that require the PHA’s involvement; and maintains records reflecting these analyses and actions.

Housing Opportunities Commission

MD004

PHA Name

PHA Number/HA Code

I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Director:		Name of Board Chairperson:	
Kayrine Brown, Acting Executive Director			
Signature	Date	Signature	Date

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M E M O R A N D U M

TO: Housing Opportunities Commission of Montgomery County
Administrative and Regulatory Committee

VIA: Kayrine Brown, Acting Executive Director

FROM: Staff: Elliot Rule Division: Executive/Compliance Ext. 9647
 Jessie Joseph Division: Executive/Compliance Ext. 4855
 Darcel Cox Division: Executive/Compliance Ext. 9427

RE: Revisions to HOC’s Violence Against Women Act Policy and Related Revisions to the Housing Choice Voucher Administrative Plan

DATE: March 21, 2022

STATUS: Consent Deliberation Status Report Future Action

OVERALL GOAL & OBJECTIVE:

To request that the Administrative and Regulatory Committee recommend to the Housing Opportunities Commission of Montgomery County, the adoption of revisions to HOC’s Violence Against Women Act (VAWA) Policy and related revisions to the Housing Choice Voucher (HCV) Administrative Plan. In addition, to authorize the Acting Executive Director, or her designee, to implement the revisions to HOC’s Violence Against Women Act Policy and HCV Administrative Plan.

BACKGROUND:

President Obama signed The Violence Against Women Reauthorization Act of 2013 into law on March 7, 2013. HUD subsequently released its final rule effective December 16, 2016, which expanded housing protections to victims of domestic violence, dating violence, sexual assault, and stalking across all of HUD’s key housing programs. The law initially applied to all multifamily assisted housing properties, including those with project-based Section 8. It was later broadened to include the Public Housing, Housing Choice Voucher, and Project Based Voucher programs. HOC has extended the policy to apply to all housing programs, which HOC administers.

HOC updates its VAWA Policy according to the guidelines set forth in the VAWA Act of 2013, as well as additional HUD guidance, specifically subsequent HUD notices, PIH Notice 2017-08 (Violence Against Women Reauthorization Act of 2013 Guidance) and Housing Notice 2017-05 (Violence Against Women Act Reauthorization Act of 2013-Additional Guidance for Multifamily Owners and Management Agents).

The following is a summary of the proposed updates to HOC's current VAWA Policy based on guidance from PIH Notice 2017-08, which add:

- The Low Income Housing Tax Credit (LIHTC) program to the list of programs covered. LIHTC is a non-HUD program, and is governed by Section 42 of the Internal Revenue Code.
- Language requiring Tenant Selection Plans for HOC's applicable properties to include procedures covering VAWA protections.
- New section outlining "Requests for VAWA Accommodations". This section details HOC's procedures for requesting an accommodation or modification of a policy in order to exercise VAWA protections.
- New section, "Emergency Transfer and the Housing Choice Voucher and Project-based Program". This section describes emergency transfers for both programs.

In relation to the proposed revisions to the VAWA Policy indicated above, staff are proposing revisions to Chapter One of the HCV Administrative Plan. These revisions include the addition of a VAWA section to the existing chapter, which references the VAWA Policy.

Staff will present the proposed revisions to HOC's VAWA Policy and related revisions to Chapter One of the HCV Administrative Plan to the Resident Advisory Board (RAB) and request a letter of endorsement. Staff will address any comments from the RAB prior to Commission approval.

ISSUES FOR CONSIDERATION:

Does the Administrative and Regulatory Committee wish to join staff's recommendation to the Housing Opportunities Commission of Montgomery County to adopt the proposed revisions to HOC's VAWA Policy and related revisions to the HCV Administrative Plan?

TIME FRAME:

For discussion by the Administrative and Regulatory Committee at its meeting on March 21, 2022. For formal Commission action on April 6, 2022.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Administrative and Regulatory Committee join staff's recommendation that the Commission adopt the proposed revisions to HOC's VAWA Policy and related revisions to the HCV Administrative Plan.

Please note: Existing Language is in **BLACK** and proposed changes are in **RED**.



Violence Against Women Act Policy

Last Revision:

~~July 2017~~

April 2022

I. INTRODUCTION

The purpose of this Violence Against Women Act (VAWA) Policy (“Policy”) is to implement the applicable provisions of the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4, 127 Stat. 54, approved March 7, 2013, at 127 Stat. 101) **and additional subsequent HUD notices, PIH Notice 2017-08 Violence Against Women Reauthorization act of 2013 Guidance and Housing Notice 2017-05 Violence Against Women Act (VAWA) Reauthorization Act of 2013**, and more generally to set forth the policies and procedures of the Housing Opportunities Commission of Montgomery County (HOC) with regard to VAWA. Notwithstanding its title, this policy is gender-neutral, and its protections apply to all HOC customers who are victims of domestic violence, dating violence, sexual assault, or stalking, regardless of sex, gender identity, or sexual orientation.

Furthermore, the policies and procedures described herein are applied by HOC in a consistent and nondiscriminatory manner as directed by the fair housing requirements of the U.S. Department of Housing and Urban Development (HUD). As per the Code of Federal Regulations (CFR) at 24 CFR 5.2001, HOC’s VAWA Policy is consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), such that victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. Additionally, this Policy is operated consistently with HUD’s Equal Access Rule at 24 CFR 5.105(a)(2).

This Policy is applicable to the administration of all federally subsidized public housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.). Additionally, HOC extends this Violence Against Women Act Policy to apply to all housing programs as may be provided by HOC.

The implementation of VAWA protections for participants in HUD and other housing programs increases opportunities for all individuals to live in safe housing and reduces the risk of homelessness for individuals who might otherwise be evicted, be denied housing assistance, or flee their homes.

II. GOALS AND OBJECTIVES

This Policy has the following principal goals and objectives:

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA;
- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault, or stalking who are assisted by HOC;
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking;
- D. Creating and maintaining collaborative arrangements between HOC, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, sexual assault, or stalking, who are assisted by HOC; and

- E. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, affecting individuals who HOC assists.

III. OTHER HOC POLICIES AND PROCEDURES

This Policy is referenced in, and attached to, HOC's Five-Year and Annual Public Housing Agency (PHA) Plans demonstrating its applicability to the Public Housing (PH) and Housing Choice Voucher (HCV) programs. Additionally, this Policy shall apply to any and all other HOC housing programs as described in Section I of this document. To the extent that any provision of this Policy shall vary or contradict any previously adopted policy or procedure of HOC, the provisions of this Policy shall prevail.

IV. DEFINITIONS

The following definitions apply as used in this Policy, as per the Code of Federal Regulations (CFR) at Title 24, Section 5.2003:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants are subject to eviction or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Covered housing program consists of the following HUD programs and Non-HUD programs:

- (1) Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- (2) Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.
- (3) Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.

- (4) HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.
- (5) Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
- (6) Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
- (7) Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- (8) HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
- (9) The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).
- (10) The Low Income Housing Tax Credit (LIHTC). If a property is layered with Section 8, implement Section 8 Rules and continue to comply with the additional requirements outlined by the other governing agency.

Covered housing provider refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, **manager management agents**, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there is more than one covered housing provider. This is dependent upon the VAWA duty or responsibility performed by a covered housing provider, whereas the covered housing provider is not always the same individual or entity.

Dating violence means violence committed by a person:

- (1) Who is or was previously in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;

- (ii) The type of relationship; and
- (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

V. ADMISSIONS AND SCREENING

- A. *Non-Denial of Assistance*. HOC will not deny admission to any of its housing programs to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise qualified for such admission.
- B. *Tenant Selection Plan*. Where applicable, properties' Tenant Selection Plans (TSP) must include policies and procedures covering VAWA protections. In compliance with instructions provided on Paragraph 4-4 or HUD Handbook 4350.3, if a property updates or adds any new preferences, all existing waiting list applicants must be notified, so they may take advantage of any qualifying preference.

VI. TERMINATION OF TENANCY OR ASSISTANCE

- A. *VAWA Protections*. Under VAWA, HOC's housing program participants have the following specific protections, which HOC observes:
 - 1. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

2. In addition to the foregoing, HOC will not terminate tenancy or assistance as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a member of the assisted household, a guest or another person under the customer's control, and the customer or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
 - (a) Nothing contained in this paragraph shall limit any otherwise available authority of HOC or a Section 8 owner or ~~manager~~ **management agent** to terminate tenancy, evict, or to terminate assistance for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, sexual assault, or stalking in question against the customer or a member of the customer's household. However, in taking any such action, neither HOC nor a Section 8 ~~manager~~ **management agent** or owner may apply a more demanding standard to the victim of domestic violence, dating violence, sexual assault, or stalking than that applied to other customers.
 - (b) Nothing contained in this paragraph shall be construed to limit the authority of HOC or a Section 8 owner or ~~manager~~ **management agent** to evict or terminate from assistance any tenant or lawful applicant if the owner, ~~manager~~ **management agent** or HOC can demonstrate an actual and imminent threat to other customers or to those employed at or providing service to the property, if the customer is not evicted or terminated from assistance.
- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, HOC or a Section 8 owner or ~~manager~~ **management agent**, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by HOC. Leases used for all housing operated by HOC and, at the option of Section 8 owners or ~~managers~~ **management agents**, leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by HOC, shall contain provisions setting forth the substance of this paragraph.

VII. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. *Requirement for Verification.* The law allows, but does not require, HOC or a section 8 owner or ~~manager~~ **management agent** to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth

in this policy. Subject only to waiver as provided in paragraph VII. C., HOC shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by HOC. Those Section 8 owners or ~~managers~~ **management agents** receiving rental assistance, which HOC administers, may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* – Victims may provide to HOC, or to the requesting Section 8 owner or ~~manager~~ **management agent**, a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. On this form, the victim must also state that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this Policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator. **A copy of HOC's HUD-Approved form Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation is provided in Appendix C of this Policy.**
 2. *Other documentation* – Victims may provide to HOC, or to the requesting Section 8 owner or ~~manager~~ **management agent**, written documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional. In order to use such third-party documentation, the victim must have sought assistance in addressing the domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, described in such documentation from the third-party. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this Policy. The victim of the incident or incidents of domestic violence, dating violence, sexual assault, or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
 3. *Police or court record* – Victims may provide to HOC, or to the requesting Section 8 owner or ~~manager~~ **management agent**, a Federal, State, tribal, territorial, local police, or court record describing the incident, or incidents, in question.
- B. *Time allowed to provide verification/ failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking, and who is requested by HOC, or a Section 8 owner or ~~manager~~ **management agent** to provide verification, must provide such verification within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

- C. *Waiver of verification requirement.* The Executive Director of HOC, or a Section 8 owner, or **manager management agent**, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. The Executive Director, owner, or **manager management agent** has the sole discretion to grant such a waiver, which HOC will submit in writing. A waiver in a particular instance or instances shall not operate as precedent for, or create any right to, a waiver in any other case or cases, regardless of similarity in circumstances.

VIII. CONFIDENTIALITY

- A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking) provided to HOC or to a Section 8 owner, or **manager management agent** in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:
1. Requested or consented to by the individual in writing; or
 2. Required for use in an HOC housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA; or
 3. Otherwise required by applicable law.
- B. *Notification of rights.* All tenants of HOC housing and tenants participating in the Section 8 rental assistance program administered by HOC shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

IX. TRANSFER TO NEW RESIDENCE

- A. *Emergency Transfer Plan.* According to HOC's Unit Transfer Guidelines, the highest priority for transfers, Priority 1, is given to victims of domestic violence, dating violence, sexual assault, or stalking. More specifically, in situations where a victim of domestic violence, dating violence, sexual assault, or stalking, seeks an emergency transfer from HOC, the following regulations describe the requirements of eligibility for an emergency transfer under VAWA. Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. **A copy of HOC's Emergency Transfer Request form is provided in Appendix A of this Policy.**

1. Emergency Transfers

HOC is concerned about the safety of its customers, and such concern extends to customers who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HOC allows customers who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the customer's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of

HOC to honor such request for customers currently receiving assistance, however, may depend upon a preliminary determination that the customer is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HOC has another dwelling unit that is available and is safe to offer the customer for temporary or more permanent occupancy.

This plan identifies customers who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to customers on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that HOC is in compliance with VAWA.

2. Eligibility for Emergency Transfers

A customer who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR Part 5, Subpart L is eligible for an emergency transfer, if the customer reasonably believes that there is a threat of imminent harm from further violence if the customer remains within the same unit. If the customer is a victim of sexual assault, the customer may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A customer requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Customers who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

3. Emergency Transfer Request Documentation

To request an emergency transfer, the customer shall notify HOC's management office and submit a written request for a transfer to the appropriate Property ~~Manager~~ **Management Agent** or Housing Specialist. HOC will provide reasonable accommodations to this policy for individuals with disabilities. The customer's written request for an emergency transfer should include either:

- (a) A statement expressing that the customer reasonably believes that there is a threat of imminent harm from further violence if the customer were to remain in the same dwelling unit assisted under HOC's program;

OR

- (b) A statement that the customer was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the customer's request for an emergency transfer.

4. Requests for VAWA Accommodation

Similar to Section 504, and the reasonable accommodation policies, which are designed to assist people with disabilities, the VAWA accommodation is designed to assist the customer, who is a victim of a VAWA crime, with a request to accommodate/modify a policy, in order to exercise their protections. HOC will review them on a case-by-case basis in a fair and consistent manner within 14 business days of receipt of all the necessary documents to render a decision. Some examples of accommodations include:

- a) Waiver of tenant selection criteria (credit, eviction screening).
- b) Reconsider rejection.
- c) Modify lease term (waive the notice to vacate requirement).
- d) Evict a member of the household.

HOC does not require the customer to complete a formal request form for VAWA accommodation, but prefers that the customer makes the request in writing.

The VAWA accommodation will not require the customer to provide specific information, or any additional information not listed within this policy, unless HOC requires disclosure or verification information. HOC may deny the VAWA accommodation request if the customer does not provide the required documentation. Note: if the request for the VAWA accommodation is deemed fraudulent, HOC may terminate or remove the customer or family member from the lease.

HOC will retain the VAWA accommodation records for a period of three years, or for the time specified in the program regulation.

5. Confidentiality

HOC will keep confidential any information that the customer submits in requesting an emergency transfer, and information about the emergency transfer, unless the customer gives HOC written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the customer, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the customer. See the Notice of Occupancy Rights under the Violence Against Women Act for more information about HOC's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking. **A copy of HOC's Notice of Occupancy Rights is provided in Appendix B of this Policy.**

6. Emergency Transfer Timing and Availability

HOC cannot guarantee the approval of a transfer request or how long it will take to process a transfer request. HOC will, however, act as quickly as possible to move a customer who is

a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a customer reasonably believes a proposed transfer would not be safe, the customer may request a transfer to a different unit. If a unit is available, the transferred customer must agree to abide by the terms and conditions that govern occupancy in the unit to which the customer has been transferred. HOC may be unable to transfer a customer to a particular unit if the customer has not, or cannot, establish eligibility for that unit.

If HOC has no safe and available units for which a customer who needs an emergency transfer is eligible, HOC will assist the customer in identifying other housing providers who may have safe and available units to which the customer could move. At the customer's request, HOC will also assist customers in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this Transfer Plan.

B. *Emergency Transfer and the Housing Choice Voucher and Project-Based Voucher Program.* This section is an addition to HOC's Emergency Transfer Plan, where the Policy does not specifically address the voucher program(s). As vouchers are tenant-based assistance, the HCV customer may request a voucher to move to another unit. (See section D. *Portability* for moves outside of HOC's jurisdiction).

1. Housing Choice Voucher Program (HCV)

If an HCV applicant or customer who is a victim completes the required documents to request a transfer, and the request is deemed reasonable, HOC will expedite the administrative process and may conduct a one-on-one briefing to issue a voucher. Additionally, HOC will allow the victim to submit up to three Request for Tenancy Approval (RFTA) forms. When the customer submits an RFTA, HOC's Inspection Services will expedite the review of the RFTA to ensure the necessary documents are on file and complete and schedule the Housing Quality Standards (HQS) inspection as quickly as possible.

2. Project-Based Voucher Program (PBV)

The PBV program is governed by the HCV program regulations. Unlike HCV, families receiving HCV assistance, which is tenant-based, PBV families cannot move with their assistance as it is tied to the unit. If a PBV victim makes an emergency request and completes the required documents to request an Emergency Transfer, HOC must review the request, and determine the most appropriate response to address the PBV VAWA request. The PBV victim family is not required to give advanced written notice of intent to vacate the PBV unit if the family requests to move to protect the safety of the victim.

HOC does not offer tenant-based assistance for PBV applicants and customers that have not lived in a PBV unit for more than one year. If the PBV victim makes an emergency transfer request and has been living in the unit for less than one year, HOC may refer and transfer the PBV victim to another safe PBV unit. If there are no available PBV units, HOC may offer the PBV victim to other housing opportunities in the community to address the request.

If the PBV victim requests and is approved for an emergency VAWA transfer, HOC will refer the family to another PBV unit, subject to availability and safety of the unit. If the victim reasonably believes the proposed unit would not be safe, the PBV victim may request another PBV unit. The PBV victim must agree to abide by the terms of governing occupancy of the unit. HOC may not be able to transfer the PBV victim to the unit if the PBV victim cannot establish program eligibility requirements.

If there are no available units for which the PBV victim is eligible and needs an emergency transfer, HOC will assist in identifying other housing providers who may have safe and available units to which the victim may be able to move. HOC may assist in contacting and will provide a list of local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking included with this policy.

If the PBV victim makes an emergency request and has been living in the PBV unit for more than one year, and if subsidy is available, HOC must give the PBV victim priority to receive the next available opportunity for continued tenant-based rental assistance (24 CFR 983.261).

HOC cannot guarantee approval of a transfer request or how long it will take to process the request. HOC will act as quickly as possible to transfer the PBV victim subject to the availability and safety of a PBV unit. HOC will expedite the administrative process regarding the PBV referral, voucher issuance, and the RFTA process, and schedule the HQS inspection as quickly as possible.

The PBV victim should also refer to the property's Emergency Transfer Plan.

Note: If the PBV victim requests to move sooner than a tenant-based voucher is available, HOC must give the family priority to receive the next available opportunity for tenant-based assistance, even if the family left the unit to protect the family's safety.

- C. *Portability.* HOC will not deny a Section 8-assisted customer's request for portability to units located in another jurisdiction so long as the following criteria are met:
1. The term of the customer's existing lease must be complete to the satisfaction of the current landlord, or the family has not occupied the unit for 12 months;
 2. The customer has complied with all other requirements of the Section 8 program; or
 3. The customer is moving from the unit in order to protect the health or safety of an individual member of the household who is, or has been, the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believes that the customer or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

X. COURT ORDERS

- A. *Court orders.* It is HOC's policy to honor orders entered by courts of competent jurisdictions affecting individuals assisted by HOC and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

XI. RELATIONSHIPS WITH SERVICE PROVIDERS

It is HOC's policy to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If HOC staff becomes aware that an HOC assisted individual is a victim of domestic violence, dating violence, sexual assault, or stalking, HOC will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring HOC either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence, dating violence, sexual assault, or stalking or to make a referral in any particular case. HOC's Emergency Transfer Plan shall describe providers of shelter or other services to victims of domestic violence, dating violence, sexual assault, or stalking with which HOC has referral or other cooperative relationships. **A copy of HOC's Emergency Transfer Plan is provided in Appendix D of this Policy.**

XII. NOTIFICATION

HOC shall provide written notification to applicants, tenants, and Section 8 owners and **managers management agent**, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance, and termination of tenancy or assistance as described in this Policy.

- A. *Notice of Occupancy Rights.* HOC provides notice to a tenant or applicant of their occupancy rights under VAWA at three specific times:
 1. When an individual is denied residency under an assisted program;
 2. When an individual is admitted to a dwelling unit assisted under the covered housing program; and
 3. With any notification of eviction or termination of assistance.

HOC believes that it is important to provide a separate Notice of Occupancy Rights under VAWA so as to ensure that applicants and residents are aware of their rights under the Act. Therefore, HOC provides a separate Notice of Occupancy Rights to program participants at the times specified in this rule. **A copy of HOC's Notice of Occupancy Rights is provided in Appendix B of this Policy.**

- B. *New Victim Certification Form.* HOC provides all customers and applicants with a copy of the Agency's Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation Form. If an HOC customer is seeking VAWA protections from their housing provider, this is the appropriate form with which to provide the requested written documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking. The victim, or someone on the victim's behalf, can complete this form. The New Victim Certification Form also describes HOC's system for submitting various types of third-

party documentation. **A copy of HOC's New Victim Certification Form is provided in Appendix C of this Policy.**

XIII. RELATIONSHIP WITH OTHER APPLICABLE LAWS

Neither VAWA, nor this Policy implementing it, shall preempt or supersede any provision of Federal, State, or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

XIV. AMENDMENT

HOC may amend this Policy from time to time, as approved by the Agency's Board of Commissioners.

Appendix A

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept

confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's): _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Appendix B

Housing Opportunities Commission of Montgomery County NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Housing Opportunities Commission of Montgomery County (HOC) is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under any HOC program, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance from HOC, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under any HOC program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

HOC may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HOC chooses to remove the abuser or perpetrator, HOC may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HOC must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of

time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HOC must follow Federal, State, and local eviction procedures. In order to divide a lease, HOC may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, HOC may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HOC may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HOC will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HOC's emergency transfer plan provides further information on emergency transfers, and HOC must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

HOC can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HOC must be in writing, and HOC must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HOC may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HOC as documentation. It is your choice which of the following to submit if HOC asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HOC with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HOC has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HOC does not have to provide you with the protections contained in this notice. If HOC receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms 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 abuser or perpetrator), HOC has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HOC does not have to provide you with the protections contained in this notice.

Confidentiality

HOC must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HOC must not allow any individual administering assistance or other services on behalf of HOC (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HOC must not enter your information into any shared database or disclose your information to any other entity or individual. HOC, however, may disclose the information provided if:

- You give written permission to HOC to release the information on a time limited basis.
- HOC needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HOC or your landlord to release the information.

VAWA does not limit HOC's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HOC cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HOC can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- (1) Would occur within an immediate time frame, and
- (2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HOC can demonstrate the above, HOC should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider’s violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Washington, D.C. HUD Field Office.

For Additional Information

You may view a copy of HUD’s final VAWA rule at <https://portal.hud.gov/hudportal/documents/huddoc?id=5720-F-03VAWAFinRule.pdf>. Additionally, HOC must make a copy of HUD’s VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact ~~HOC’s Housing Programs Coordinator, Ethan Cohen. Mr. Cohen can be reached at 240-627-9764 or via email at~~ **Compliance Department** at 240-627-9400 or via email at HOCVAWA@hocmc.org.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact any of the following local organizations in Montgomery County:

<p>Montgomery County Abused Persons Program 1301 Piccard Dr, Rockville, MD 20850 Abused Persons Program 24 Hour Crisis Services: 240-777-4000 Service/Intake: 240-777-4195 Administrative Office: 240-777-4210</p>	<p>Montgomery County Sheriff’s Office Domestic Violence Section 50 Maryland Avenue Room T400 Rockville, MD 20850 240-777-7016</p>
<p>Montgomery County Family Justice Center Foundation 600 Jefferson Plaza #500 Rockville, MD 20852 240-773-0444</p>	<p>States Attorney’s Office 50 Maryland Avenue Rockville, MD 20850 240-777-7300</p>
<p>Victim Information and Notification Everyday (VINE) Service 1-866-MD4VINE (1-866-634-8463)</p>	

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact any of the local organizations in Montgomery County listed above.

Victims of stalking seeking help may also contact any of the local organizations in Montgomery County listed above.

Appendix C

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s): _____ _____ _____ _____
--

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Appendix D

Housing Opportunities Commission of Montgomery County EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Emergency Transfers

HOC is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HOC allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of HOC to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HOC has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that HOC is in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR Part 5, Subpart L is eligible for an emergency transfer, if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HOC's management office and submit a written request for a transfer to the appropriate Property ~~Manager~~ Management Agent or Housing Specialist. HOC will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HOC's program;

OR

2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Requests for VAWA Accommodation

Similar to Section 504, and the reasonable accommodation policies, which are designed to assist people with disabilities, the VAWA accommodation is designed to assist the customer, who is a victim of a VAWA crime, with a request to accommodate/modify a policy, in order to exercise their protections. HOC will review them on a case-by-case basis in a fair and consistent manner within 14 business days of receipt of all the necessary documents to render a decision. Some examples of accommodations include:

- a) Waiver of tenant selection criteria (credit, eviction screening).
- b) Reconsider rejection.
- c) Modify lease term (waive the notice to vacate requirement).
- d) Evict a member of the household.

HOC does not require the customer to complete a formal request form for VAWA accommodation, but prefers that the customer makes the request in writing.

The VAWA accommodation will not require the customer to provide specific information, or any additional information not listed within this policy, unless HOC requires disclosure or verification information. HOC may deny the VAWA accommodation request if the customer does not provide the required documentation. Note: if the request for the VAWA accommodation is deemed fraudulent, HOC may terminate or remove the customer or family member from the lease.

HOC will retain the VAWA accommodation records for a period of three years, or for the time specified in the program regulation.

Confidentiality

HOC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HOC written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HOC's responsibility to maintain the

confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

HOC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HOC will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HOC may be unable to transfer a tenant to a particular unit if the tenant has not, or cannot, establish eligibility for that unit.

If HOC has no safe and available units for which a tenant who needs an emergency transfer is eligible, HOC will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HOC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this Transfer Plan.

Emergency Transfers and the Housing Choice Voucher and Project-Based Voucher Programs. This section is an addition to HOC's Emergency Transfer Plan, where the Policy does not specifically address the voucher program(s). As vouchers are tenant-based assistance, the HCV customer may request a voucher to move to another unit. (See section D. Portability for moves outside of HOC's jurisdiction).

1. Housing Choice Voucher Program (HCV)

If an HCV applicant or customer who is a victim completes the required documents to request a transfer, and the request is deemed reasonable, HOC will expedite the administrative process and may conduct a one-on-one briefing to issue a voucher. Additionally, HOC will allow the victim to submit up to three Request for Tenancy Approval (RFTA) forms. When the customer submits an RFTA, HOC's Inspection Services will expedite the review of the RFTA to ensure the necessary documents are on file and complete and schedule the Housing Quality Standards (HQS) inspection as quickly as possible.

2. Project-Based Voucher Program (PBV)

The PBV program is governed by the HCV program regulations. Unlike HCV, families receiving HCV assistance, which is tenant-based, PBV families cannot move with their assistance as it is tied to the unit. If a PBV victim makes an emergency request and completes the required documents to request an Emergency Transfer, HOC must review the request, and determine the most appropriate response to address the PBV VAWA request. The PBV victim family is not required to give advanced written notice of intent to vacate the PBV unit if the family requests to move to protect the safety of the victim.

HOC does not offer tenant-based assistance for PBV applicants and customers that have not lived in a PBV unit for more than one year. If the PBV victim makes an emergency transfer

request and has been living in the unit for less than one year, HOC may refer and transfer the PBV victim to another safe PBV unit. If there are no available PBV units, HOC may offer the PBV victim to other housing opportunities in the community to address the request.

If the PBV victim requests and is approved for an emergency VAWA transfer, HOC will refer the family to another PBV unit, subject to availability and safety of the unit. If the victim reasonably believes the proposed unit would not be safe, the PBV victim may request another PBV unit. The PBV victim must agree to abide by the terms of governing occupancy of the unit. HOC may not be able to transfer the PBV victim to the unit if the PBV victim cannot establish program eligibility requirements.

If there are no available units for which the PBV victim is eligible and needs an emergency transfer, HOC will assist in identifying other housing providers who may have safe and available units to which the victim may be able to move. HOC may assist in contacting and will provide a list of local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking included with this policy.

If the PBV victim makes an emergency request and has been living in the PBV unit for more than one year, and if subsidy is available, HOC must give the PBV victim priority to receive the next available opportunity for continued tenant-based rental assistance (24 CFR 983.261).

HOC cannot guarantee approval of a transfer request or how long it will take to process the request. HOC will act as quickly as possible to transfer the PBV victim subject to the availability and safety of a PBV unit. HOC will expedite the administrative process regarding the PBV referral, voucher issuance, and the RFTA process, and schedule the HQS inspection as quickly as possible.

The PBV victim should also refer to the property's Emergency Transfer Plan.

Note: If the PBV victim requests to move sooner than a tenant-based voucher is available, HOC must give the family priority to receive the next available opportunity for tenant-based assistance, even if the family left the unit to protect the family's safety.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

List of Local Organizations Offering Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

- **Montgomery County Abused Persons Program**
1301 Piccard Dr, Rockville, MD 20850
Abused Persons Program 24 Hour Crisis Services: 240-777-4000
Service/Intake: 240-777-4195
Administrative Office: 240-777-4210

- **Montgomery County Family Justice Center Foundation**
600 Jefferson Plaza #500
Rockville, MD 20852
240-773-0444

- **Montgomery County Sheriff's Office
Domestic Violence Section**
50 Maryland Avenue
Room T400
Rockville, MD 20850
240-777-7016

- **States Attorney's Office**
50 Maryland Avenue
Rockville, MD 20850
240-777-7300

- **Victim Information and Notification Everyday (VINE) Service**
1-866-MD4VINE (1-866-634-8463)

- **Montgomery County District Courts Filing for Ex-Parte and Peace Orders
Emergency Evaluation Petitions
Filing of violations and modifications of existing orders issued by the District Court**
 - **Rockville District Court**
27 Courthouse Square
Rockville, MD 20850
301-279-1500
Note: From 9am to 3pm Victim Assistance is available at this location.

- **Silver Spring District Court**
8552 Second Avenue
Silver Spring, MD 20910
301-563-8550

Interim Protective and Peace Orders are available after hours or whenever the District Courts are closed from a District Court Commissioner at:

- **Central Processing Unit**
1307 Seven Locks Road
Rockville, MD
- **Montgomery County Circuit Court Filing for Ex-Parte Orders**
Emergency Evaluation Petitions
Filing of violations and modifications of existing orders issued by the Circuit Court
 - 50 Maryland Avenue, 3rd floor
Rockville, MD
240-777-9115
Note: Victim Assistance and legal consultation are available at this location.
 - **District Court Commissioner**
Central Processing Unit
1307 Seven Locks Rd.
Rockville, MD
301-610-7217 (24 Hours)

Proposed Revisions to HOC's Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act is amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, are described in, and implemented throughout, this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for Montgomery County, Maryland by the Housing Opportunities Commission of Montgomery County, Maryland (HOC) through its Housing Resources Division.

Administration of the Section 8 Program and the functions and responsibilities of the HOC's staff are in compliance with the HOC's Personnel Policy and the U.S. Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all other relevant Federal, State and local fair housing laws and regulations.

Jurisdiction

HOC's jurisdiction in which to administer the Section 8 Housing Choice Voucher (HCV) Program is the county of Montgomery in the state of Maryland, exclusive of the City of Rockville.

A. MISSION STATEMENT OF THE HOUSING OPPORTUNITIES COMMISSION

HOC currently operates a Section 8 Existing Program funded by HUD. The program began in February 1976 when HOC and HUD entered into an Annual Contributions Contract (ACC) for the administration of Housing Assistance Payments to assist 330 families. Since that time, HOC's successful operation of the program resulted in subsequent funding to HOC from HUD through allocation by a fair share formula and by awarding of funds through a competitive process resulting in funds supporting payments to many additional families. HOC's Commission, which oversees the operation of the Section 8 Program, approves the use of the administrative fee reserve.

HOC's mission for the Section 8 Existing Program is to provide rent subsidies and affordable housing choices to qualified families while simultaneously providing customer friendly service to applicants, participating families, landlords, and the community at large. The emphasis in this program is to enable families of extremely and very-low incomes to seek the housing of their choice in the private market, and to receive the rental assistance necessary to obtain that housing. The Section 8 program provides Housing Assistance Payments (HAP) as determined in accordance with schedules and criteria established by HUD. HAP funds are the difference between what an

eligible family can afford to pay for housing, and the amount required to obtain decent housing in Montgomery County.

Beginning in 1979, HOC provided resident support services and assistance, as needed, to program participants to ensure that they are successful members of the community. Today, HOC's Resident Services Division's Section 8 Counselors work to reduce the number of serious disturbance complaints from the community about Section 8 households through increased outreach and education of residents, timely response to complaints and increased Agency presence in locations where persistent problems exist. It is the policy of HOC and its employees to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment. HOC does not deny any family or individual the opportunity to apply for, or receive, assistance under the Section 8 HCV Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability, or sexual orientation.

B. LOCAL GOALS [24 CFR 982.1]

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

 X HOC Goal: Expand the supply of assisted housing

Objectives:

 X Apply for additional rental vouchers

 Reduce public housing vacancies

 X Leverage private or other public funds to create additional housing opportunities

 X Acquire or build units or developments

 X HOC Goal: Improve the quality of assisted housing

Objectives:

 Improve public housing management (PHAS score)

 X Improve voucher management (SEMAP score)

 X Increase customer satisfaction

 X Concentrate on efforts to improve specific management functions (e.g., public housing finance; voucher unit inspections)

 X HOC Goal: Increase assisted housing choices

Objectives:

- Provide voucher mobility counseling
- Conduct outreach efforts to potential voucher landlords
- Increase voucher payment standards
- Implement voucher homeownership program
- Implement public housing or other homeownership programs
- Implement public housing site-based wait lists
- Convert public housing to Project-Based Section 8
- Other: (list below)
- Other HOC Goal/s and objectives: (List below)

HUD Strategic Goal: Improve community quality of life and economic vitality

- HOC Goal: Provide an improved living environment

Objectives:

- Implement measures to de-concentrate poverty by bringing higher income public housing households into lower income developments.
- Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments.
- Implement public housing security improvements.
- Designate developments or buildings for particular resident groups (elderly, persons with disabilities.)
- Other: (list below)
- Other HOC Goal/s and objectives: (List below)

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

- HOC Goal: Promote self-sufficiency and asset development of assisted households.

Objectives:

Increase the number and percentage of employed persons in assisted families.

Provide or attract supportive services to improve assistance recipients employability.

Provide or attract supportive services to increase independence for the elderly or families with disabilities.

Other: (list below)

Other HOC Goal/s and objectives: (List below)

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

HOC Goal: Ensure equal opportunity and affirmatively further fair housing. Objectives:

Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability.

Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability.

Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.

Other: (list below)

In addition, HOC has the following goals for the HCV program:

- *To assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.*
- *To encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socioeconomic, recreational, and other human service needs.*
- *To create positive public awareness and expand the level of family, owner, and community support in accomplishing HOC's mission.*
- *To attain and maintain a high level of standards and professionalism in HOC's day-to-day management of all program components.*

- *To administer an efficient, high-performing agency through continuous improvement of HOC's support systems and commitment to HOC's employees and their development.*

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the HCV program in a manner consistent with HUD requirements and the local goals and objectives contained in the Public Housing Agency (PHA) Plan. The Housing Choice Voucher Program is implemented as of October 1, 1999. HOC is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations have precedence. The original Administrative Plan and any changes are approved by HOC's Board of Commissioners, the pertinent sections included in the PHA Plan, and a copy provided to HUD.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Assistance

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

HOC will not make expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes without the prior approval of HOC's Board of Commissioners.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define HOC's local policies for the operation of the HCV program in the context of Federal laws and regulations. All issues related to Section 8 that are not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable laws.

F. TERMINOLOGY

The Housing Opportunities Commission of Montgomery County (HOC) is often referred to as "PHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-Citizen Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs. The Voucher Choice program refers to the merged program effective as of August 12, 1999.

"HQS" means the Housing Quality Standards required by regulations as enhanced by HOC.

"Failure to Provide" refers to all requirements in the first Family Obligation. See the "Denial or Termination of Assistance" chapter in this Administrative Plan.

See the Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of HOC to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

HOC will not deny any family or individual the equal opportunity to apply for, or receive, assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability, or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, HOC provides Federal/ State/ local information, including the toll free number for the Housing Discrimination Hotline: 1-800-669-9777, to voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information is available during the family briefing session, and all applicable fair housing information and discrimination complaint forms are a part of the Voucher holder's briefing packet, and available upon request at the front desk.

In an effort to affirmatively further fair housing, HOC will:

1. Advertise widely in the community for the coordinator position or positions;
2. Market the program to all eligible persons including persons with disabilities and persons with limited English proficiency (LEP);
3. Create buildings and communication options that facilitate applications and service delivery accessible to persons with disabilities;
4. Provide fair housing counseling services or referrals to fair housing agencies;
5. Inform participants of how to file a fair housing complaint; and

6. Recruit landlords and service providers in areas that expand housing choice for homeownership participants and housing mobility.

All HOC staff are required to attend fair housing training to inform them of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of HOC's overall commitment to quality customer service. Fair housing posters are posted throughout HOC's offices, including in the lobby and interview rooms. The equal housing opportunity logo is used on all outreach materials. Staff attends local fair housing update training sponsored by HUD and other local organizations to keep current with new fair housing developments.

Except as otherwise provided in the Code of Federal Regulations at 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because HOC's facilities are inaccessible to, or unusable by, persons with disabilities. Posters and housing information are displayed in locations throughout HOC's office in such a manner as to be easily readable from a wheelchair. HOC's offices are accessible to people with disabilities. Accessibility for the hearing impaired is provided by the Maryland Relay service.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 700.245(c)(3)]

It is the policy of HOC to be service-directed in the administration of its housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of his/her disability before HOC will treat a person differently than anyone else. HOC's policies and practices are designed to provide assurances that persons with disabilities are given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and any related services. The availability of requesting an accommodation is made known by including notices of the availability of disability accommodations on HOC forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities. This policy is applicable to all situations described in this Administrative Plan including when a family initiates contact with HOC, when HOC initiates contact with a family (including when a family applies), and when HOC schedules or reschedules appointments of any kind.

Eligibility to request a reasonable accommodation requires that the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following Americans with Disabilities Act (ADA) definition:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

Being regarded as having such an impairment.

Note: This is not the same as HUD's definition used for purposes of determining allowances.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 24 CFR 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, HOC requires that a reliable, knowledgeable health provider, such as a doctor, social worker, or caseworker competent to make the assessment, provide written verification that the person needs the specific accommodation due to his/her disability and that the change is required for the person to have equal access to the housing program.

If HOC finds that the requested accommodation creates an undue administrative or financial burden for the Agency, HOC will either deny the request and/or present an alternative accommodation that still meets the needs of the person with disabilities.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of HOC (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the Agency as a whole, the requested accommodation would pose a severe financial hardship on HOC.

HOC provides a written decision to the person requesting the accommodation within a reasonable time. If a person is denied their requested accommodation or feels that the alternative accommodation provided is inadequate, they may request an informal hearing to appeal HOC's decision.

Reasonable accommodations are made for a person with a disability that requires an advocate or accessible offices. A designee is allowed to provide some information, but only with the permission of the person with the disability.

Upon request, all HOC mailings are available in an accessible format, as a reasonable accommodation for customers with disabilities.

Verification of Disability

HOC verifies disabilities based on the definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act of 1990.

Outreach

Outreach efforts include notification of non-profits and County agencies, as well as all other media and agencies listed in HOC's Administrative Plan regarding public notices (see section discussing the wait list in the "Applying for Admission" chapter of this Administrative Plan.)

Applying for Admission

All persons who wish to apply for any of HOC's programs must submit a pre-application as indicated in the "Applying for Admission" chapter of this Administrative Plan. Upon request, applications are available in an accessible format to assist people with disabilities.

Upon request, HOC will mail application and admissions information in an accessible format to customers with disabilities.

The full HCV program application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for a reasonable accommodation is requested by a person with a disability. Applicants are interviewed by HOC staff to review the information on the full program application form. Verification of disability as it relates to Section 504, the Fair Housing Act, or the ADA are requested as reasonable accommodations at this time. The full application also includes questions asking all applicants whether any reasonable accommodations are necessary.

I. TRANSLATION OF DOCUMENTS

HOC has bilingual staff available to assist families with Limited English Proficiency (LEP) with interpretation and translation services.

In determining whether it is feasible to provide translation of documents written in English into other languages, HOC considers the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and instead speak a specific other language;
- Estimated cost to HOC per customer of translation of English written documents into the other language;
- Availability of local organizations to provide translation services to LEP families;
- Availability of bi-lingual staff at HOC to provide translation for LEP families.

J. MANAGEMENT ASSESSMENT OBJECTIVES

HOC operates its housing assistance program with efficiency and can demonstrate to HUD auditors that HOC is using its resources in a manner that reflects its commitment to quality and service. Accordingly, HOC policies and practices are consistent with the areas of measurement for the following HUD Section Eight Management Assessment Program (SEMAP) indicators:

1. Selection from the Wait List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. FMR/exception rent & Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family Self-Sufficiency Enrollment and Escrow Account Balances

Bonus Indicator: Deconcentration of poverty and minorities

HOC supervisors, Compliance Specialists, or another qualified person other than the person who performed the work, as required by HUD, conducts quality control reviews on the following SEMAP factors:

- Selection from the wait list
- Rent reasonableness
- Determination of adjusted income
- HQS Enforcement
- HQS Quality Control Inspections

The annual sample of files and records is drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size for review of SEMAP's rating factors relate directly to each factor.

K. RECORDS FOR MONITORING HOC's PERFORMANCE

To demonstrate compliance with HUD and other pertinent regulations, HOC maintains records, reports, and other documentation for a time that is in accordance with HUD requirements and HOC's Document Retention Guideline. Records are maintained in a manner that allows an auditor, housing professional, or other interested party to follow, monitor, and/or assess HOC's operational procedures objectively, with accuracy, and in accordance with SEMAP requirements and other internal supervisory audits.

L. PRIVACY RIGHTS [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD and/or HOC are permitted to release family information.

HOC's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

All information which would lead one to determine the nature and/or severity of a person's disability is not released except on an "as needed" basis in cases where a disability-related accommodation is under consideration by HOC staff. All requests for access and granting of accommodations based on this information are reviewed for approval by HOC's Fair Housing and Equal Opportunity (FHEO) Officer.

HOC's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files are stored in a secure location that is only accessible by authorized staff.

HOC staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff, will result in severe disciplinary action.

M. FAMILY OUTREACH [24 CFR 982.153(b)(1)]

HOC publicizes and disseminates information to make known the availability of housing assistance and related services for very low-income families on a regular basis using newspapers of general circulation, minority media, and other suitable means.

HOC has multi-lingual staff to assist Limited English Proficiency (LEP) families. Other local non-profit organizations are available, upon request by a customer family, to explain un-translated documents or to assist in verbal translation for other languages. HOC provides information at its voucher briefing sessions to all selected voucher applicants describing Federal, State, and local laws regarding housing discrimination. At its briefing sessions, HOC also provides a copy of HUD's housing discrimination complaint form, which is available for HOC customers to use if they believe they are victims of discrimination.

In order to reach individuals who cannot, or may not, read the newspapers, HOC posts information on its website and at its offices. HOC also distributes fact sheets to the local broadcasting media, and initiates personal contact with members of the news media and community service personnel. HOC may also utilize public service announcements. HOC communicates the status of housing availability to other service providers in the County and advises them of housing eligibility factors, HOC guidelines, and how to guide potential applicants to HOC's wait list. All of these efforts help HOC's partners to make informed and proper referrals to HOC for housing assistance.

In the tenant-based Housing Choice Voucher (HCV) program, eligible families are responsible for finding units and negotiating lease agreements with private market owners. HOC provides program training and assistance to help guide eligible families in their search for a unit. It is important to note that the legislative intent of the HCV program is to place the responsibility for finding and leasing-up in a unit on the individual family. This responsibility reduces the dependency of families on local housing authorities, and provides families with greater freedom of choice as to type, size, and location of their homes. It is, therefore, HOC's intent to provide the greatest amount of support and assistance to families within the parameters of encouraging families' self-sufficiency and independence. However, no family participating in any of the programs described in this Administrative Plan may simultaneously receive the benefit of more than one of the following: Certificate, Voucher, other Section 8 housing assistance, Section 101 rent supplements, Section 236 Rental Assistance Payments, tenant-based assistance under the HOME Program, Public or Indian housing assistance, any local or State rental subsidy, or other duplicate subsidy as determined by HUD.

In order to administer the HCV program effectively, both in terms of efficient management and attainment of the program's goals, HOC developed this comprehensive Administrative Plan. The Plan allows for an administration sufficiently flexible to provide services and support to those in leased units, as well as provide for leasing of additional units. HOC is responsible for complying with all changes in HUD regulations pertaining to these programs and updates this Administrative Plan on an as-needed basis in order to remain up-to-date and compliant with any changes in Federal, State, or local regulations affecting the voucher program.

N. OWNER OUTREACH [24 CFR 982.54(d)(5), 982.153(b)(1)]

HOC makes a concerted effort to keep private owners informed of legislative changes in the tenant-based voucher program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

HOC encourages owners of decent, safe, and sanitary housing units to lease their units to Section 8 families.

HOC conducts periodic meetings with participating owners to improve owner relations, provide continuing education, and recruit new owners.

HOC maintains a list of units available for the Section 8 Program and updates this list at least monthly. When listings from owners are received, they are compiled by HOC staff by bedroom size.

HOC maintains lists of available housing submitted by owners in many neighborhoods within HOC's jurisdiction to ensure greater mobility and housing choice to very low-income households. The lists of available units are provided at voucher briefings.

HOC actively recruits property owners with units located outside of areas of minority and poverty concentration. HOC also applies for exception payment standards on a case-by-case basis if HOC jurisdiction.

O. The Violence Against Women Act of 2013 (VAWA) [24 CFR5.2003]

It is the policy of the HOC to comply fully with all federal, state, and local laws and with the rules and regulations within VAWA. Notwithstanding its title, VAWA is gender neutral, and protects applicants who qualify for assistance and program participants from eviction, denial of housing assistance, or termination from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking.

HOC maintains consistency with HUD's nondiscrimination and equal opportunity requirements and victims will not face discrimination against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, gender identity, marital status, or age.

Guests, unassisted members, and live-in aides of the family are ineligible for VAWA protections, as VAWA protections are only available to program participants.

Unassisted members who are also on the lease may qualify by way of the lease for VAWA protections [24 CFR 5.2005 (c)].

As a reasonable accommodation, a participant may request VAWA protections based on the grounds that the live-in aide is a victim of domestic violence, dating violence, sexual assault, or stalking.

VAWA Notification Requirements

HOC provides applicants and participants with the HUD approved *Notice of Occupancy Rights Under the Violence Against Women Act* form (Form HUD-5380). This form explains the VAWA protections, including the right to confidentiality, documentation, and any limitations on those protections.

HOC also provides applicants and participants with the *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation* form (Form HUD 5382). The VAWA customer may complete this form to report the incident of domestic violence, dating violence, sexual assault, or stalking. However, this form is optional. A third-party may submit the form on behalf of the applicant or participant, or submit one of the following types of third-party documents:

1. A document, which the customer has signed, along with a signature from a "professional" from whom the customer has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meets the VAWA definition in HUD's regulations at CFR 5.2003. Examples of "Professionals" include:
 - An employee;

- Agent, or volunteer of a victim service provider;
 - An attorney; or
 - A medical or mental health professional.
2. A record from a federal, state, or local law enforcement agency, court, or an administrative agency; or
 3. At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Violence Against Women Act Policy

HOC's Violence Against Women Act Policy (VAWA Policy) is applicable to the administration of all federally subsidized Public Housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.), and includes other housing programs not administered by the Housing Choice Voucher program. The VAWA Policy includes, but is not limited to, the following additional program requirements:

- Definitions;
- Termination of tenancy or assistance;
- Verification requirements;
- Confidentiality;
- Conditions for an extension for submitting documents;
- Emergency Transfer Plan;
- Emergency Transfer Request form;
- Portability;
- Project-Based Voucher transfer policies; and
- Contact information for local victim advocacy groups or service providers.

P. CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS

The Housing Opportunities Commission of Montgomery County (HOC) and its staff are governed by the provisions of the Montgomery County Ethics Law; Chapter 19A of the Montgomery County Code. Additionally, HOC's own Ethics Policies and Procedures provide further requirements regarding ethical conduct to which HOC personnel must adhere in their performance of HOC activities and all interactions with HOC customers.

M E M O R A N D U M

TO: Housing Opportunities Commission of Montgomery County
Administrative and Regulatory Committee

VIA: Kayrine Brown, Acting Executive Director

FROM: Staff: Jessie Joseph Division: Executive/Compliance Ext. 4855
Elliot Rule Division: Executive/Compliance Ext. 9647
Darcel Cox Division: Executive/Compliance Ext. 9427

RE: **Housing Choice Voucher Administrative Plan:** Approval of Revisions to Chapters 2, 10, and 11 of the HOC Housing Choice Voucher (HCV) Administrative Plan and Authorization for the Acting Executive to Implement the Revisions

DATE: March 21, 2022

STATUS: Consent Deliberation Status Report Future Action

OVERALL GOAL & OBJECTIVE:

To request that the Administrative and Regulatory Committee recommend to the Housing Opportunities Commission (HOC) of Montgomery County, the adoption of revisions to the HOC Administrative Plan’s Table of Contents, Chapters 2, 10 and 11, governing the Housing Choice Voucher program. In addition, to authorize the Acting Executive Director, or her designee, to implement the revisions.

BACKGROUND:

As policies and provisions change at the federal, state, and local levels, HOC revises its Administrative Plan for the HCV program accordingly. These revisions ensure that HOC’s voucher program remains in compliance with the regulations governing its jurisdiction, Montgomery County.

TABLE OF CONTENTS:

Chapter 1 modifies letter “N” and inserts letters “O”; and “P”

Chapter 10 modifies letters “E”, “F”, “G”, “H” and “I” to accommodate the insertion of Remote Video Inspection.

CHAPTER 1: Statement of Policy and Objectives

Staff has recommended the approval and implementation of revisions to the Violence Against Women Act (VAWA) Policy and by reference; those revisions have been incorporated in the HCV Administrative Plan.

CHAPTER 2: Eligibility for Admission

Staff are proposing revisions to Chapter 2 of the HCV Administrative Plan to update its eligibility and admission standards for Live-In Aides.

CHAPTER 10: Housing Quality Standards and Inspections (HQS)

The Cares Act of 2020 provided the US Department of Housing and Urban Development (HUD) with broad authority to waive statues and regulations for the Housing Choice Voucher Program. HUD published PIH Notice 2021-31 on December 31 2021. This notice extended the waiver previously adopted in PIH Notice 2020-13 published July 2 2021. The notice incorporates the use of “Virtual” Remote Video Inspections or RVI as an alternate HQS inspection method. Adopting this waiver provides HOC the flexibility to continue to serve our most vulnerable customers while reducing the risk of exposure to the current Coronavirus from third party inspectors and HOC staff. Staff also views this implementation as essential to HOC’s Business Continuity plan in the event of another pandemic, epidemic or major natural disaster.

CHAPTER 11: Owner Rents, Rent Reasonableness, and Payment Standards

Pursuant to PIH Notice 99-35, HUD merged Section 8 Certificates and Voucher Programs. This change allowed for a new way of calculating the Housing Assistance Payment (HAP) and the Family Share. The merger has since concluded making all pre-merger language obsolete.

HOC made the following revisions to the Plan:

- Omitted in its entirety the section(s) alluding to pre-merger language.
- Adjusted and clarified the Payment Standards to include the Electronic Fund Transfer (EFT) process.

As part of the process for making revisions to HOC’s HCV Administrative Plan, public comment is required. Accordingly, HOC provides a 30-day public comment period, which began on March 4, 2022, and will conclude with a public hearing on April 6, 2022. During the comment period, a draft of the proposed revisions to the HCV Administrative Plan is made available on the Agency’s website. Staff will present the proposed revisions of the Table of Contents, Chapters 2, 10 and 11 of the HCV Administrative Plan to the Resident Advisory Board (RAB) and request a letter of endorsement. Staff will address any comments from the RAB prior to approval by the Commission.

ISSUES FOR CONSIDERATION:

Does the Administrative and Regulatory Committee wish to join staff’s recommendation to the Housing Opportunities Commission of Montgomery County to adopt the proposed revisions to the HCV Administrative Plan?

TIME FRAME:

For discussion by the Administrative and Regulatory Committee at its meeting on March 21, 2022. For formal Commission action on April 6, 2022.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Administrative and Regulatory Committee join staff's recommendation that the Commission adopt the proposed revisions to HOC's HCV Administrative Plan.

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Reserved

Proposed Revisions to HOC's Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

This Chapter defines both HUD's and HOC's criteria for admission and denial of admission to the HCV program. HOC's policy is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. HOC staff review all information provided by the family carefully and without regard to factors other than those defined in this chapter. Families are provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by HOC pertaining to their eligibility.

A. ELIGIBILITY FACTORS [982.201(B)]

HOC accepts applications only from families whose head or spouse is at least 18 years of age.

Participation eligibility is determined based on an applicant family's ability to meet HUD's criteria, as well as any permissible additional criteria established by HOC.

The HUD eligibility criteria are:

An applicant must be a "family".

An applicant must be within the appropriate Income Limits.

An applicant must provide Social Security Numbers for all family members.

An applicant must furnish Declaration of Citizenship or Eligible Immigrant Status and verification where required.

At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before HOC can provide any financial assistance.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria.

The family's initial eligibility for placement on the wait list is made in accordance with the eligibility

factors described herein.

Evidence of Citizenship/ Eligible Immigrant Status is not verified until the family is selected from the wait list for final eligibility processing for issuance of a voucher.

B. FAMILY COMPOSITION [24 CFR 982.201]

The applicant must qualify as a family. A family may be a single person or a group of persons.

”Family” includes a family with a child or children. A family includes a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides. HOC determines if any other group of persons qualifies as a family.

A single person family may be:

An elderly person;

A displaced person;

A person with a disability; and/or

Individuals are not considered disabled, for HCV eligibility purposes, solely on the basis of any drug or alcohol dependence.

Any other single person.

A child who is temporarily away from home because of placement in foster care is still considered a member of the family. However, this provision pertains only to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A family also includes:

Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.

Two or more elderly or disabled persons living together, or one or more elderly, near-elderly, or disabled persons living with one or more live-in aides.

Head of Household

The head of household is the adult member of the household who is designated by the family as the head. The head of household is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/ local law.

Spouse of Head of Household

Spouse means the husband or wife of the head of household.

For proper application of the Non-Citizen Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. This includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads of the household.

Co-Head of Household

A co-head of household is an individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or a co-head, but not both. A co-head never qualifies as a dependent.

Live-in Aides

A Family may include a live-in aide provided that such live-in aide:

Is determined by HOC to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities;

Will reside in the unit with the elderly and/or disabled person(s) whom they assist;

Is not obligated for the support of the person(s) whom they assist;

Would not be living in the unit except to provide care for the person(s) whom they assist;

An existing household member cannot change relationship status to a live-in aide; and

Meets the relevant occupancy requirements of the housing program (see Chapter 5 of this Administrative Plan for the Occupancy Requirements of the Housing Choice Voucher program).

A live-in aide is treated differently than family members, as follows:

Income of the live-in aide is not counted for purposes of determining eligibility or level of benefits;

Live-in aides are not subject to the Non-Citizen Rule requirements; and

Live-in aides are not eligible for consideration as a remaining member of the tenant family.

Relatives are not automatically excluded from serving as live-in aides, but they must meet all of the criteria of the live-in aide definition described above.

A live-in aide may only reside in a unit with a reasonable accommodation approval from HOC. Written verification is required from a reliable, knowledgeable third-party provider, such as a ~~medical~~ doctor, or other medical professional, social worker, therapist, ~~or~~ caseworker, a peer support group, a non-medical service agency, or some other reliable third party who is in a position to know about the individual's disability. The third party provider must certify that a live-in aide is needed for the care of the family member who is elderly (62+), near-elderly (50- 61), and/or disabled. ~~The health provider must also list the number of hours for which the elderly, near-elderly, and/or disabled household member requires assistance from the aide each day.~~

HOC periodically requires families with live-in aides to submit documentation to support the continued need for their live-in attendant.

At any time, HOC can refuse to approve a particular person as a live-in aide or may withdraw such approval, in accordance with 24 CFR 982.316, if:

The aide commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity; and/or

The person currently owes rent or other amounts to HOC or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

If a specific live-in aide is disqualified, they must move out of the unit. Importantly, disqualification of a specific live-in aide does not remove the original live-in aide approval from HOC. Rather, the household member for whom the aide assistance is required needs only to submit the name and information of a new person to take over the role of live-in aide. A new reasonable accommodation request is not needed for this purpose.

Able-bodied household member:

An applicant or participant requesting a reasonable accommodation to add a live-in aide with an able-bodied adult household member residing in the unit may be denied the request if the household member is not disabled, not an elderly person, not in school, or not working. The applicant or participant must provide documentation or verification of the status of the able-bodied adult member.

Split Households Prior to Voucher Issuance

When a family on the wait list splits into two otherwise eligible families due to divorce or legal separation and the new families both claim the same placement on the wait list, and there is no court determination, HOC makes the final decision taking into consideration the following factors:

Which family member applied as head of household;

Which family unit retains the children or any disabled or elderly members;

Restrictions that were in place at the time the family applied;

Role of domestic violence in the split; and/or

Any recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, HOC may deny their placement on the wait list for failure to supply information requested by HOC.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they are treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51 percent of the time are considered members of the household in which they live at least 51 percent of the time. "51 percent of the time" is defined as 183 days of the year. These 183 days do not need to run consecutively.

There is a self-certification required of families who claim joint custody or temporary guardianship.

When both parents are on the wait list and both are trying to claim the child, the parent whose address is listed in the child's school records is allowed to claim the school-age child as a dependent.

In cases in which parents have joint custody of a child or children (50/50 custody), HOC grants the child deduction to the household of record provided by Montgomery County Public Schools or a private school. If the child is residing outside of HOC's jurisdiction, due to joint custody, the principal household of record provided by the applicable school system is used to determine living arrangements and the standard deduction.

If the child is not enrolled in school, HOC relies upon official records from daycare providers, tax records, and insurance providers such as Medicaid.

Split Households during Program Participation

When families currently receiving assistance split, the current head of household retains continual voucher assistance. Remaining family members must separately apply when the wait list is open to receive their own, separate assistance.

C. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

A family's annual income at the time of admission must not exceed the very low-income limits for occupancy established by HUD.

Income eligibility requires that the applicant family is in the extremely low-income category, which is a family whose income does not exceed 30 percent of the area median income (AMI). HOC may select up to 25 percent of new applicants in the very-low income category, which is a family whose income does not exceed 50 percent of AMI. HOC will not admit families whose income exceeds 50 percent of AMI except those families specifically described in the Code of Federal Regulations (CFR) at 24 CFR 982.201(b).

Income eligibility requires that the applicant family is under the low-income limit in any of the following categories described in 24 CFR 982.201(b)(1)

A very low-income family.

A low-income family that is continuously assisted under the 1937 Housing Act.

An applicant is continuously assisted if the family received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.

A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.

A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173.

A low-income family or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project that is subject to a resident homeownership program.

To determine if a family is income-eligible, HOC compares the annual income of the family to the applicable income limit for the family's size.

Families whose annual income exceeds the income limit are denied admission and offered an informal review.

Portability: For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving PHA in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who do not have a Social Security Number must sign a certification that they were never issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 90 days.

HOC permits a 90-day period during which an applicant family may become a program participant, even if the family lacks the documentation necessary to verify the Social Security Number (SSN) of a family member under the age of six (6) years old. HOC must grant an extension of one additional 90-day period if HOC determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant. For example, an applicant may be able to demonstrate timely submission of a request for a Social Security Number, in which case processing time would be the cause of the delay. If the applicant family does not produce the required documentation within the authorized time period, HOC must impose appropriate penalties, in accordance with the Code of Federal Regulations at 24 CFR 5.218.

If merited, HOC offers a grace period and/or an extension. HOC implements this provision just as it currently implements the provision for program participants. Specifically, an applicant family with a child under the age of six (6) years may become a participant family, even if the Social Security Number for the child is unverified at the time of admission. If the Social Security Number is still not verified at the end of the initial 90-day period, then HOC must determine whether a 90-day extension is merited. If it is not merited, then HOC must follow the provisions of 24 CFR 5.218. If a 90-day extension is merited, then HOC must either verify the Social Security Number for the child by the end of the 90-day extension period or follow the provisions of 24 CFR 5.218.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, at least one member of the household must be a U.S. citizen or have

eligible immigration status. Individuals who are neither, may elect not to contest their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families: A family is eligible for assistance as long as at least the head of household or spouse is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families are given notice that their assistance is pro-rated and that they may request a hearing if they contest this determination.

All Members Ineligible: Applicant families that include no eligible members are ineligible for HCV assistance. Such families are denied admission and offered an opportunity for a hearing.

Non-Citizen Students: Defined by HUD in the non-citizen regulations. Non-Citizen Students are not eligible for HCV assistance.

Appeals: For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status Before Admission

HOC does not provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family, pursuant to this section.

E. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

HOC applies the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the HCV program:

- The family has not violated any family obligations during a previous participation in the Section 8 program for at least three years prior to final eligibility determination.
- HOC will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.
- The family must pay any outstanding debt owed TO HOC or to another PHA as a result of prior participation in any federal housing program within 30 days of the PHA's notice to repay.
- The family is in good standing regarding any current payment agreements made with another PHA for a previous debt incurred.
- If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, HOC may deny their assistance and refer the family file/ record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).

Program eligibility restrictions are extended to include any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965;
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child, and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to HCV assistance under section 8 of the 1937 Act.

For a student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child, and who is seeking Section 8 Assistance, there is an eligibility test. Both the student and the student's parents (the parents individually and jointly) are part of this eligibility test. The student and his/her parents must be income eligible for the student to receive Section 8 Assistance. If the parents are not income eligible, the student is ineligible to receive Section 8 Assistance.

The student's parents' income may be irrelevant if the student can demonstrate the absence of, or his/her independence from, their parents. All of the following criteria must be met:

- The individual is of legal contract age under state law.
- The individual has a household separate from his/her parents or legal guardians, and has had it for at least one year prior to application for occupancy.
- The individual meets the status of Independent Student as defined by the U.S. Department of Education.
- The individual is not claimed as a dependent by his/her parents or legal guardians pursuant to Internal Revenue Service (IRS) regulations.
- The individual obtains a certification of the amount of financial assistance that his/her parents will provide, signed by the individual providing the support. The certification is required even if no assistance is ultimately provided.

These restrictions do not affect students residing in a Section 8 assisted unit with his/her parents or one who resides with their parents who are applying to receive Section 8 assistance. The restriction is focused on a student under the age of 24 who is already residing in a Section 8 assisted unit without his or her parents, or one who is seeking on his/her own Section 8 unit in which to reside.

G. TENANT SCREENING [24 CFR 982.307)]

HOC takes into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

HOC does not screen family behavior or suitability for tenancy. HOC is not liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before HOC's approval of the tenancy, HOC informs the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982.307(a)(3)]

Payment of rent and utility bills;

Caring for a unit and premises;

Respecting the rights of other residents to the peaceful enjoyment of their housing;

Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and/or

Compliance with other essential conditions of tenancy.

HOC advises families how to file a complaint if they experience discrimination from an owner. HOC advises families how to make a Fair Housing complaint with HUD. HOC may also report the owner to HUD (Fair Housing/Equal Opportunity) or a local Fair Housing Organization, if the Agency becomes aware of fair housing discrimination concerns.

H. CHANGES IN ELIGIBILITY PRIOR TO THE EFFECTIVE DATE OF THE CONTRACT

Eligibility changes that occur during the period between the issuance of a voucher and lease up by the family may affect the family's eligibility or share of the rental payment.

I. INELIGIBLE FAMILIES

Families who are determined ineligible are notified in writing of the reason for their denial and are given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status. See the "Complaints and Appeals" chapter of this Administrative Plan for additional information about reviews and hearings.

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

Admission to the HCV program is not based on where the family lives before admission to the

program.

Furthermore, admission to the HCV program is not based on any of the following:

Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;

Discrimination because a family includes children;

Whether a family decides to participate in a family self-sufficiency program; and/or

Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

Proposed Revisions to HOC's Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the U.S. Department of Housing and Urban Development's (HUD) minimum quality standards for tenant-based programs. All voucher units are required to meet HQS standards both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and Housing Assistance Payment (HAP) contract.

HOC inspects each unit under contract with one of its voucher families at least annually. HOC also has an inspection supervisor perform quality control inspections on the number of files required for file sampling for the Section Eight Management Assessment Program (SEMAP) annually to maintain HOC's required standards and to assure consistency in HOC's program. A separate sample, also meeting SEMAP thresholds, of any owner-certified repairs following a failed inspection is subject to quality control review by an HOC inspections supervisor. This Chapter describes HOC's procedures for performing HQS and other types of inspections, and HOC's standards for the timeliness of deficiency repairs following a failed inspection. This Chapter also explains the responsibilities of the owner and the family in the inspections process, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and HOC's requirements. Please see the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter for more information about HOC's additions to HUD's HQS criteria.

A. GUIDELINES/ TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

At all times, HOC encourages owners to provide housing above HQS minimum standards. HOC does not promote any additional acceptability criteria which is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be active and in service prior to the HOC's inspection of the unit. If the utilities are not in service at the time of inspection, the inspector notifies the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval [RFTA]) and requests that the utilities are turned on. The inspector then schedules a re-inspection.

There are five types of inspections which HOC performs:

1. Initial/Move-in: Conducted upon receipt of RFTA;
Annual: Conducted within 12 months of the last annual inspection;
2. Special/Complaint: At the request of an owner, family, agency, or third-party;
3. Quality Control: Conducted by HOC's inspection lead or supervisor; and
4. Move-Out/Vacate: An inspection requested by the landlord to demonstrate tenant-caused damages.

B. INITIAL HOS INSPECTION [24 CFR 982.401(a)]

Timely Initial HOS Inspection

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

HOC periodically reviews the average time required for a family and owner to have a unit inspected from the time the RFTA is submitted by the family and owner to HOC.

If HOC determines after a periodic review of files that the average time for a family and owner to obtain an initial inspection is longer than 15 days, HOC will review staffing needs relevant to HQS inspection and make improvements.

The Initial Inspection is conducted to:

Determine if the unit and property meet the HQS defined in this Administrative Plan.

Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information used for determination of rent-reasonableness.

If the unit fails the initial HQS inspection, the owner is advised to notify HOC once repairs are completed.

On an initial inspection, the owner is given up to 30 days to correct the items noted as failed, at the inspector's discretion, depending on the amount and complexity of work to be done.

The owner is allowed up to one re-inspection for repair work to be completed. At its discretion, HOC may accept owner certification that the repairs were completed as detailed in the initial inspection.

If the time period given by the inspector to correct the repairs elapses, or the maximum number of

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failed re-inspections occurs, then the family must select another unit.

Families are not adversely impacted by the failure of a unit to pass the initial HQS inspection. Instead, HOC extends the remaining time on the voucher by suspending the voucher timeline from the date of HOC's receipt of the RFTA until notification to select another unit. This is known as tolling time.

Project-Based Voucher (PBV)

PBV HAP Contract – HQS Inspections to Substitute Units

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

HOC conducts a unit inspection in accordance with HQS at least annually. These annual inspections are scheduled for 60 days prior to the anniversary of the last annual inspection, so that the inspections are conducted at least annually, as required by the Section Eight Management Assessment Program (SEMAP). Special inspections may be scheduled between anniversary dates.

Landlords must correct any HQS deficiencies that cause a unit to fail unless it is a fail for which the tenant is responsible.

The family must allow HOC to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections are conducted on business days only.

Reasonable hours to conduct an inspection are between 8:30 a.m. and 4:00 p.m.

HOC notifies the family in writing at least three days prior to the inspection.

First Inspection: The family and the owner are notified of the date and time of the inspection appointment in writing using postal or electronic mail. The family is required to provide access to the unit for any inspection. If the family is unable to participate and is unable to otherwise arrange access, they must reschedule the appointment. Rescheduling must occur within 72 hours of the initial scheduled inspection date. HOC permits only one such rescheduling per year.

If the family fails to provide access to the unit, HOC considers the family to have violated a Family Obligation and their assistance may be terminated in accordance with the termination procedures in this Administrative Plan. HOC will reschedule up to one HQS inspection, due to a missed appointment, as long as the inspection is completed within scheduling requirements.

Re-inspection: The family and owner are provided a notice of any re-inspection appointment by postal or electronic mail. HOC may accept owner certification that the repairs were completed as detailed in the initial inspection. If the family is not at home for the re-inspection appointment, a card is left at the unit. The appointment letter contains a warning of abatement and a notice of the owner's responsibility. After this point, responsibility to open the unit for the inspector falls on the

unit owner or landlord.

The family is also notified that it is a Family Obligation to allow HOC to inspect the unit. If the family is responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this Administrative Plan, they will be advised of their responsibility to correct.

Remote Video Inspection “Virtual Inspection”

HOC has adopted guidance detailed in PIH Notice 2020-31 and will perform Housing Quality Standard (HQS) Inspections using video streaming technology. A proxy will perform the Remote Video Inspection (RVI) at the inspection site. The proxy will follow the direction of the HQS inspector throughout the entire inspection process as required in 24.CFR 982.405(a).

RVI or Virtual Inspection will enable HOC to comprehensively inspect units in a manner that meets the basic statutory and regulatory standards. Virtual Inspections may take the place of physical inspections. However, HOC is aware there will be circumstances where RVI “Virtual Inspections” will not provide sufficient information or evidence to allow HOC to make an appropriate determination. In these circumstances, HOC will exercise judgment and reasoning that will yield the best results for the tenants, inspector and the agency.

Choosing a Proxy

HOC requires the Proxy to either be the landlord, property representative, tenant or any adult associated with the tenancy. Selection of the proxy is a mutual decision ~~between~~ among HOC, the landlord, and the tenant.

The designated Proxy and Inspector must successfully complete the online Lead Based Paint Visual Assessment Training Course. This requirement is for properties built before 1978 where children under six years old currently or will reside. HUD offers this as a free course that is available at [Hud.gov- \(https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm\)](https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm).

Once the Proxy is certified, they must send a certificate of completion to the Inspector to add to the inspection file.

On the day of the inspection, HOC or the inspector will prompt the Proxy to attest to the following:

- Confirmation of no smell of natural gas, Methane or other noxious gas;
- Live streaming requirement of RVI and not recorded;
- Commitment to following directions of the inspector; and
- Any additional items that HOC deems necessary.

Incorporating RVI

HOC will adhere to HQS acceptability criteria and each virtual inspection will include the following steps to ensure performance requirements are met.

1. Administrative Preparation

HOC has evaluated and determined that incorporating RVI into the inspection process requires an update to the HCV Administrative Plan to provide fair notice to the public and to highlight the benefits of using technology to assist in HQS Inspections.

2. Pre- Inspection Planning

Assessing Equipment Needs

Required equipment to perform the RVI “Virtual Inspection” may include:

- Distance Measuring Device, i.e. a tape measure;
- Lighting Device, i.e. a flashlight;
- Circuit Analyzer, i.e. GFI;
- Means to test smoke and carbon detectors;
- Temperature devices for displaying the internal unit temperature;
- Fully charged Smartphone or Tablet with reliable internet connection and high camera resolution (megapixels, sensors and pixel size) to see details such as paint chip and broken glass; and
- Any Additional items HOC deems necessary.

HOC must ensure that the Proxy has the necessary equipment and will decide on a means to deliver the equipment to the site in a timely manner

Scheduling the RVI

HOC requires that the tenant, landlord or property manager attend the RVI or “Virtual Inspection”. The notice of inspection will follow the same format as with any physical inspection notification protocol initially set by HOC and detailed in **24. CFR 982.401(a) Initial inspection** and **24 CFR 982.405 (a) Annual Inspections**. Additionally, HOC requires that the RVI or “Virtual Inspection” notice provide justification for choosing this method of inspection as well as a contact number and email, should the tenant have any questions or concerns.

3. Performing Inspection

HOC will use software and equipment that provides adequate privacy and safeguards to ensure protection of Personal Identifiable Information. HOC requires that the HQS Inspector use a HOC office or other remote location that is not vulnerable to exposure or susceptible to risk of violating the privacy of the tenant or the Agency, such as unsecured public Wi-Fi

On the day of inspection, the HQS inspector will use the HOC approved designated streaming web-based platform to contact the proxy. During the inspection the HQS inspector will use the same inspection forms HOC currently uses to record any deficiencies.

Prior to the start of the inspection, the inspector must verify that the unit on their screen is the unit scheduled for inspected. In addition, HOC requires that the HQS Inspector verifies the address and street name from the outside of the unit.

Inspection of the Exterior of the unit should include:

- Outside walls;

- Roofs;
- Yard and adjoining properties;
- ~~Examine a~~ All sides of the structure;
- Fences and outbuildings;
- Visually examine paint conditions of all siding, trim;
- Windows;
- Porches,
- Steps and sidewalks;
- Columns; and
- Any other painted areas.

Inspection of the Interior of the unit should include:

Review each room including bedrooms separately and visually examine:

- Paint conditions;
- Walls;
- Common area;
- Tenant-accessed areas;
- Ceilings;
- Steps;
- Appliances
- Floors;
- Doors;
- Door frames; and
- Windows, including window troughs.

The inspector will document the amount of deterioration indicating whether the scales is greater or less than the HUD de minimis amount.

4. Post Inspection

HOC will continue to follow its Administrative Plan/Procedures and Policies when informing the tenant or landlord of the inspection results. The housing Inspections Supervisor, or other designated official performs the Quality Control (QC) inspections. The quantity is equal to number of files required of the Section 8 Management Assessment Program (SEMAP) for the given fiscal year. The purpose of Quality Control inspections is to confirm that each Inspector is conducting accurate and complete inspections; and to ensure that there is consistency among Inspectors in application of the HQS. RVI QC inspections are in addition to the five percent required under SEMAP indicator #5 unless SEMAP indicator #5 is waived under PIH 2020-05 and/or 2020-13, REV-1. The sample of files for the QC inspections must include recently completed inspections (within the prior 90 days), a cross-section of neighborhoods, and a cross-section of inspectors

HOC or the HQS Inspector will complete the process of generating notification letters to the landlord and/or tenant to communicate inspection results of the inspections

Passed Inspection:

With a successful inspection HOC will process the HAP for the initial inspection or approve the

inspection if it is an annual or other inspection type; whichever applies to the situation

Failed Inspection:

For unsuccessful inspection, HOC will provide follow-ups such as re-inspections, clearance test and or submission of supporting documents

Time Standards for Repairs

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

For non-emergency items, repairs are required within 30 days.

Failure by either the family or the owner to provide access to the unit for re-inspection does not extend the 30-day time frame to complete repairs, and HOC will abate the unit.

For major repairs, HOC may approve a written request from the owner for an extension beyond 30 days.

Rent Increases: HOC may not approve rent to owner increases if the unit is in a failed condition.

D. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

HOC may also conduct a special inspection based on information from third parties such as neighbors or public officials.

HOC will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs following the special inspection.

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

E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections are performed by the Housing Inspections Supervisor, or another designated official, on the number of files required by SEMAP for the given fiscal year. The purpose of Quality Control inspections is to confirm that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files for the Quality Control inspections includes recently completed inspections (within the prior 90 days), a cross-section of neighborhoods, and a cross-section of inspectors.

E. MOVE OUT/VACATE

A move out inspection is performed only at the landlord's request. HOC may charge the landlord a fee in order to conduct these inspections.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401(a)]

HOC strictly adheres to the acceptability criteria in the Housing Choice Voucher program regulations at 24 CFR, Section 982. However, HOC amends the acceptability criteria to require that an owner participating in the HOC's voucher program comply with the local government rental licensing requirements in Montgomery County, Maryland. HOC allows owners adequate time to obtain the required license(s). However, HOC will not enter into a HAP contract with an unlicensed owner. HOC may hold HAP from an owner under contract when HOC is notified by Montgomery County that the owner failed to maintain the appropriate rental license(s).

Modifications

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

Extension for repair items not required by HQS may be granted for modifications/ adaptations to the unit if agreed to by the tenant and the landlord. HOC will allow execution of the HAP contract if the unit meets all requirements and the modifications do not affect the livability of the unit.

H. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

The following items are considered of an emergency nature and require repair by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector:

- Lack of security for the unit;
- Waterlogged ceiling in imminent danger of falling;
- Major plumbing leaks or flooding;
- Natural gas leaks or fumes;
- Electrical problems which could result in shock or fire;
- No heat when the outside temperature is below 10 degrees Fahrenheit and the temperature inside the unit is below 68 degrees Fahrenheit;
- Utilities not in service;
- No running hot water;
- Broken glass where someone could be injured;

- Obstacle which prevents tenant's entrance or exit;
- Lack of functioning toilet; and

- Non-working smoke detector or missing smoke detector, as required.

HOC may give a short extension (not more than 48 additional hours) if immediate notification of the responsible party is delayed or if it is impossible to make the repair within the 24-hour period.

In those cases where there is leaking gas, potential for fire, or other threat to public safety, and the responsible party cannot be notified immediately or it is impossible to make the repair within 24 hours, HOC will notify the proper authorities.

If the emergency repair item(s) are not corrected in the time period required by HOC, and the owner is responsible, payments to the owner are abated and the HAP contract is terminated.

If the emergency repair item(s) are not corrected in the time period required by HOC, and it is an HQS breach that is a family obligation, HOC terminates the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health and safety threat and are treated by HOC as an emergency (24-hour) fail item.

HOC will issue a written warning to any family determined to have purposely disconnected a unit's smoke detector. The warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of HQS.

I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS) [24 CFR 982.405, 982.453]

If a unit fails to meet HQS due to an owner-caused deficiency at the re-inspection, the HAP to the owner is abated.

Abatement

A Notice of Abatement is sent to the owner, explaining that the abatement is effective from the day after the date of the failed inspection. The notice is for 30 days.

HOC will inspect abated units within 15 days of the owner's notification that the repair work is completed.

If the owner makes repairs during the abatement period, payment resumes on the day the unit passes inspection.

No retroactive payments are made to the owner for the abatement period. The notice of abatement

states that the tenant is not responsible for HOC's portion of rent during the abatement. However, the tenant must continue to pay their portion of the rent even during the abatement period.

Reduction of Payments

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

The owner is experiencing extenuating circumstances and has a good history of HQS compliance.

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The owner makes a good faith effort to make the repairs.
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the necessary funds.
- The repairs are delayed due to climate conditions.

Owners must provide supporting documentation to request abatement extension. Extensions are made for a period of time not to exceed 30 days. At the end of that time, at HOC's discretion, if the work is not completed, HOC will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all of the deficiencies cited prior to the end of the abatement period (which is 30 days), the owner and the tenant are sent a HAP Contract Proposed Termination Notice. The tenant is also notified of a scheduled relocation appointment. The proposed termination notice is a 60-day notice. The family is required to begin the process to relocate from the unit or risk termination from the program. Prior to the effective date of the termination, if the repairs are not completed, the abatement remains in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by HOC if the tenant chooses to remain in the unit. Only one HQS inspection is conducted after the termination notice is issued.

J. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family, such as:

- Tenant-paid utilities not in service
- Failure to provide or maintain family-supplied appliances
- Damage to the unit, or premises, caused by a household member or ~~guest~~guest beyond normal wear and tear

- "Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.
- Vermin infestation in a rented single-family home or other detached unit.

The owner is responsible for all other HQS violations.

The owner is responsible for any vermin infestation for multifamily and non-detached units. However, if such infestation is caused by the family's living habits and is serious and repeated, it may be considered a lease violation. The owner may then evict the family for violation of the lease. HOC may choose to terminate the family's assistance on that basis as well.

If the family is responsible but the owner carries out the repairs, the owner is encouraged to bill the family for the cost of the repairs.

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If the family is responsible for any emergency or non-emergency violations of HQS, then the family is responsible to work with the owner or landlord to make any repair(s) or corrections within 24 hours or 30 days, as appropriate. If the repair(s) or correction(s) are not made in this time period, HOC will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases require approval by the Housing Inspector Supervisor or another designated official. The owner's rent is not abated for items that are the ~~family's responsibility~~ family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract is terminated when the assistance to the family is terminated. HOC will provide the owner with adequate notice (no less than 30 days) of the termination date of the HAP. Contract cancellation due to tenant-caused HQS deficiencies does not preclude the owner from immediately executing a new HAP with HOC for another voucher tenant.

Proposed Revisions to HOC's Administrative Plan to the Housing Choice Voucher Program

Please note: Existing language is in **BLACK** and Proposed Changes are in **RED**

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.505, 982.503, 982.504, 982.505]

INTRODUCTION

~~The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the "merger date". These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.~~

~~In accordance with the regulations, for those Section 8 participant families where there is a HAP Contract in effect entered into prior to October 1, 1999, the PHA will continue to uphold the rent calculation methods of the pre-merger Regular Certificate, OFTO, and Voucher tenancies until the 2nd regular reexamination of family income and composition following the "merger date". However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.~~

HOC will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is HOC's responsibility to ensure that the owners charge reasonable rents based upon unassisted comparable units in the rental market, using the criteria specified in the Code of Federal Regulations (CFR) 24 CFR 982.507(b).

This Chapter explains HOC's procedures for determination of rent-reasonableness, payments to owner's adjustments to the Voucher Payment Standards (VPS), and other rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The Rent to Owner is limited by rent reasonableness. HOC must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units in the rental market.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy which is described in (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is for a new admission or a relocation to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income if gross

rent exceeds the voucher's payment standard. During the initial term of the lease, the owner may not raise the rent

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed between the owner and HOC, HOC begins processing payments to the landlord. A HAP Register is used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. HOC's finance division disburses electronic ~~echecks~~ payments to the owner on the first of each month. HOC will not replace payments if the owner claims to have not received ~~echecks payment~~, HOC will not provide a replacement ~~echecks payment~~ until the payee has provided a written request and a stop ~~payment~~ is placed put on the ~~echecks payment~~.

Excess Payments

The total rent the tenant pays plus the housing assistance payment (HAP) may not exceed the rent to owner. The owner must immediately return any excess overpayment to the tenant or HOC.

Owners who do not return excess payments are subject to penalties as outlined in the "Owner or Family Debts to the PHA" chapter of this Administrative Plan.

Late Payments to Owners

It is a business practice in Montgomery County for property managers and owners to charge tenants a reasonable late fee for rents that is not received by the due date, notwithstanding any grace period. In Montgomery County, the industry standard is a grace period of 10 days past the first of the month.

Therefore, in keeping with generally accepted practices in the local housing market, the HOC must pay the HAP to the owner promptly and in accordance with the HAP contract.

Upon written request of the owner, HOC will pay a five percent late fee to the owner for HAP that is not mailed to the owner by the first day of the month.

The proof of payment date is the date the Electronic Funds Transfer (ETF)

HOC is not obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond HOC's control. For example, sometimes there is a delay in the HOC's receipt of program funds from HUD. HOC will use administrative fee income or the administrative fee reserve as its only source for any late payment penalties.

HOC will not use any program funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

HOC must ensure that rents charged by owners to HCV customers clients are reasonable. This reasonableness determination requires, HOC to compare rent for the unit to rent for similar unassisted units in the marketplace. (982.507)

HOC must determine rent reasonableness in all of the following four instances:

- Before entering a HAP contract. HOC must not execute a HAP contract until it has documented that the rent charged is reasonable.
- Before any increase in the rent to owner. Before approving a rent increase, HOC must determine and document whether the proposed rent is reasonable compared to the rent for similar units in the marketplace and not rents higher than those paid by unassisted tenants.
- **If there is a ten percent decrease in the published fair market rent FMR (for the unit size rented by the family) in effect 60 days before the contract anniversary date as compared with the FMR in effect one year before the contract anniversary date.** This provision is designed to ensure that when the market goes down by a significant amount HOC must reexamine rent reasonableness.
- **If directed by HUD.** If HUD has reason to question HOC's system or accuracy of its determinations, HUD may require HOC to conduct rent reasonableness reviews on all or a portion of its units.

In determining comparability, HOC must consider the following nine elements:

1. Location
2. Quality
3. Size
4. Unit type
5. Age of unit
6. Amenities
7. Housing services
8. Maintenance; and
9. Utilities the owner must provide under the lease

HOC will obtain data for other unassisted units through the information provided by a third-party contractor. If this is unavailable, HOC will access the data through a combination of MRIS (Metropolitan Regional Information System), internet real estate searches, newspapers, realtors, professional associations, inquiries with owners, market surveys, and other available sources.

In general, the market areas for rent reasonableness are neighborhoods. Subject units within the neighborhood are compared to similar units within the same area.

The owner certifies that the rent to owner is not more than the rent charged by the owner for comparable unassisted units at the same property. This certification is stated as a requirement in the contract and occurs by acceptance of each housing assistance payment.

HOC will document all rent reasonableness decisions and the basis for each decision. The documentation will identify who conducted the rent reasonableness determination and when.

HOC will complete a sample quality control review of the rent reasonableness determinations.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment (HAP) for a family. In accordance with HUD regulations, and at HOC's discretion, the Voucher Payment Standard (VPS) amount is set by HOC between 90 percent and 110 percent of the HUD published Small Area Fair Market Rents (SAFMR). This is considered the basic range. HOC reviews the appropriateness of the VPS annually when the SAFMRs are published by HUD. In determining whether a change is needed, HOC will ensure that the VPS is always within the range of 90 percent to 110 percent of the new SAFMR, unless an exception payment standard is approved by HUD.

HOC will establish a single Voucher Payment Standard amount for each SAFMR zip code area in the Agency's jurisdiction, or in any groupings of SAFMR zip code areas as may be determined by HOC. For each SAFMR zip code area, HOC establishes VPS amounts for each "unit size". HOC may provide a higher VPS within the Agency's jurisdiction if needed to expand housing opportunities outside areas of minority and/or poverty concentration, as long as the higher VPS is within the 90-110 percent of SAFMR range.

In situations where the adoption of new Voucher Payment Standards (VPS) based on HUD's Small Area Fair Market Rents (SAFMR) will cause a decrease in the VPS amount during the existing Housing Assistance Payments (HAP) contract term, HOC will take the following action:

HOC will change to the lower VPS based on the SAFMRs to calculate the family's Housing Assistance Payments (HAP). This change will begin at the effective date of the family's second regular reexamination following the effective date of the decrease in the VPS.

HOC may approve a higher Voucher Payment Standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. HOC will not raise Payment Standards solely to make "high end" units available to Voucher holders. HOC may use some or all of the measures described below in making its determination whether an adjustment to the Payment Standards is needed.

Assisted Families' Rent Burdens

HOC reviews its VPS amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30 percent of their annual adjusted income for their rent.

If it is determined that particular unit sizes in HOC's jurisdiction have VPS amounts that are creating rent burdens for families, HOC may modify its payment standards for those particular unit sizes.

HOC may increase its payment standard within the basic range for those particular unit sizes to help reduce the percentage of annual income that participant families in HOC's jurisdiction are paying.

HOC may establish a separate VPS , within the basic range, for designated parts its jurisdiction if it determines that a higher payment standard is needed in these designated areas to provide families with quality housing choices and to give families an opportunity to move outside areas of high poverty and low-income concentration.

Quality of Units Selected

HOC reviews the quality of units selected by participant families when making the determination of the percent of income families are typically paying for housing, and to ensure that VPS increases are only made when needed to reach the mid-range of the market.

PHA Decision Point

HOC reviews the average percent of income that families in the voucher program are paying for their rent. If more than 40 percent of families are paying more than 30 percent of their monthly adjusted income for a particular unit size, HOC will determine whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's Housing Quality Standards HQS and any additional standards added by HOC in this Administrative Plan.

If families are paying more than 30 percent of their income for rent due to the selection of larger bedroom size units or luxury units, HOC may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, HOC will continue increase the payment standard as per the process described in this Administrative Plan

Rent to Owner Increases

HOC may review a sample of its leased units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

HOC may consider the average time period for families to lease up under the voucher program. If more than 25 percent of voucher holders are unable to locate suitable housing within the term of the voucher and HOC determines that this is due to 10 percent of rents in the jurisdiction being unaffordable for families even with the presence of a voucher, the Payment Standard may be adjusted.

Lowering of the Payment Standard

If the HUD issued SAFMRs decreases, it may require HOC to adjust its Payment Standards. Additionally, statistical analyses of average rents in Montgomery County may reveal that decreasing the VPS should be lowered. In any case, HOC will not set the Payment Standards below 90 percent of the SAFMR's without authorization from HUD.

Financial Feasibility

Before increasing the VPS, HOC may review its budget to determine the impact projected subsidy increases will have on funding available for the voucher program and the number of families able to be served

For this purpose, HOC will compare the number of families who could be served under a higher Payment Standard with the number of families currently by the existing Payment Standards.

File Documentation

HOC retains files for at least three years to document the analysis and findings used to justify whether or not to increase or decrease the VPS.

F. EXCEPTION PAYMENT STANDARDS

If a dwelling unit is located in a VPS exception area, HOC must use the appropriate payment standard amount established by HOC for the exception area in accordance with HUD regulation at 24 CFR 982.503.

G. OWNER PAYMENT IN THE PREMERGER REGULAR CERTIFICATE PROGRAM [24 CFR 982.502(d)]

Owners must request the rent increase in writing. Any increase will be effective the later of (1) the anniversary date of the Contract, or (2) at least 60 days after the owner's request is received.

The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.

~~For terminations of Pre-merger Regular Certificate HAPS, see "Contract Terminations" chapter.~~