



# Housing Choice Vouchers Targeted to Non-Elderly Persons with Disabilities – Another Tool to Help End Homelessness

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## Introduction

According to the most recent [Annual Homeless Assessment Report](#), of the over 578,000 persons that were reported homeless on a given night in 2014, approximately 15%<sup>1</sup> were part of chronically homeless households – those households with an adult member that has a disability and has been living on the streets or in a shelter for a year or has had multiple episodes of homelessness over the past 4 years.

Over the past decades the U.S. Department of Housing and Urban Development (HUD) has awarded almost 55,000 Section 8 Housing Choice Vouchers specifically targeted to non-elderly people with disabilities to Public Housing Authorities (PHAs) across the nation. Given the high number of homeless people with disabilities, these vouchers represent a key tool in a community's efforts to end homelessness.

This brief provides detailed information about these special purpose vouchers and includes strategies for engaging PHAs in using these vouchers for homeless persons and as part of a community-wide strategy to address chronic homelessness.

## Definitions

Between 1997 and 2002, Congress allocated funds for new Housing Choice Vouchers for people with disabilities under the age of 62 (i.e., non-elderly). Initially awarded through various special initiatives, these vouchers were combined in recent years into one category known as Non Elderly Disabled (NED) vouchers.

<sup>1</sup> The AHAR is completed annually by the US Department of Housing and Urban Development (HUD) for Congress and can be found online at <https://www.hudexchange.info/hdx/guides/ahar/>. The Fiscal Year 2014 AHAR reported 99,434 chronically homeless persons (both sheltered and unsheltered) of a total 578,424 homeless persons during a specific point in time.

NED vouchers are considered part of the HCV program and are governed by the same federal rules and regulations, with the only difference being the target population. NED vouchers must be used by people with disabilities in households that qualify as “disabled households” according to HUD regulations. HUD has specific definitions for a *person with a disability* and for *disabled households*.

Although the HCV definition of a person with a disability is similar to that used by HUD's homeless programs (Continuum of Care and Emergency Solutions Grants), a significant difference is that people whose sole disability is substance use do not qualify as disabled in the HCV program even though they may be considered disabled in the CoC or ESG programs.

### Person with a Disability (24 CFR Part 5.403):

A person with a disability is defined as an individual who:

1. Has a disability as defined in Section 223 of the Social Security Act;  
OR
2. Is determined to have a physical, mental, or emotional impairment which is:
  - expected to be of long-continued and indefinite duration; and
  - Substantially impedes his or her ability to live independently; and
  - Is of such a nature that such ability could be improved by more suitable housing conditions;OR
3. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

This definition includes persons who have the disease of acquired immunodeficiency syndrome (AIDS). For the purposes of qualifying for HCV assistance this definition *excludes* a person whose disability is based solely on any drug or alcohol dependence

### **Disabled Household (24 CFR Part 5.403):**

A disabled household is defined as a family whose head, spouse, or sole member is an adult with a disability.

Disabled households can be:

- A single individual with a disability living alone;
- A related family in which the head of household or spouse is a disabled person;
- Two or more related adults with disabilities living together;
- Two or more unrelated disabled adults living together; or
- One or more unrelated disabled adults living with one or more live-in aides.

As mentioned above, NED vouchers must serve households that are both non-elderly and disabled, which means that the disabled household member must be under 62 years of age. It is important to note that households that meet this definition and receive a NED voucher do not “age out” when the disabled household members passes age 62 and could continue to receive HCV assistance.

Another difference in definitions between the HCV and CoC/ESG programs is that the CoC/ESG programs allow a disabled household to be made up of a household in which the sole person with a disability is a minor child. For a household to qualify as disabled in the HCV program, the person with a disability must be an adult member of the household who is considered the head of household or spouse. (24 CFR Part 5.403).

## **Requirements for PHAs with NED Vouchers**

There are 397 PHAs that currently administer NED vouchers.<sup>2</sup> As mentioned above, in general, NED vouchers are administered the same as conventional HCVs. However, HUD has issued some guidance specific to NED and other special purpose voucher programs. Specifically, in 2011 HUD published Notice [PIH 2011-32 \(Revised Policies and Procedures for Special Purpose Housing Choice Vouchers for Non-Elderly Disabled Families and Other Special Populations\)](#)<sup>3</sup> to better track the utilization of these vouchers and to ensure that they continue to be used by the intended target population upon turnover. In previous years some PHAs had merged these vouchers into their conventional HCV program, however this Notice requires PHAs to work with HUD to establish a [baseline number](#) for the NED vouchers that PHAs must continue to administer and target over time. The Notice also states that PHAs are expected to maintain a NED voucher leasing rate of 95-100 percent and establishes reporting mechanisms for PHAs so that HUD may track these rates.

In this Notice HUD also clearly states the PHA’s responsibilities regarding continuing to administer and fund NED vouchers, even during times of budget constraints. Specifically, if at some point a PHA experiences any funding shortfalls that would result in the PHA having to stop issuing vouchers and/or recall vouchers from households with a voucher currently searching for housing, when the PHA resumes issuing vouchers, if it is not serving the required number of NED households (as established in the baseline mentioned above) then the PHA must first issue NED vouchers to eligible households on the waiting list until the baseline number of vouchers are leased.

<sup>2</sup> NED vouchers may have been originally awarded as part of the Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans (Designated Housing); Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments (Certain Developments); One-Year Mainstream Housing Opportunities for Persons with Disabilities and the Project Access Pilot Program (formerly Access Housing 2000). These vouchers were combined under the NED program.

<sup>3</sup> Later updated in Notice PIH 2013-19

## Strategies for Using NED Vouchers for Homeless Persons

Recently, HUD has emphasized the role that PHAs can play in addressing homelessness (see [PIH Notice 2013-15 Guidance on Housing Individuals and Families Experiencing Homelessness Through the Public Housing and Housing Choice Voucher Programs](#)). HUD has also required that local homeless planning groups (i.e., Continuums of Care) specifically reach out to PHAs in their efforts to engage community stakeholders around homelessness. Developing partnerships between PHAs and Continuums of Care (CoCs) should include brainstorming strategies to use all CoC and PHA resources, including HCVs, and for homeless people with disabilities, specifically NED vouchers. Some possible strategies for these types of collaborations are described below.

### Track Utilization of NED Vouchers by Homeless Persons

Currently NED vouchers are entered into HUD’s tracking system with a specific code. HUD Notice 2013-15 requires all PHAs, including those that administer NED vouchers, to also determine whether an individual or family was homeless at admission and enter that information into HUD’s reporting system. Data about the number and characteristics of those households that receive a NED voucher that are also homeless can be helpful in CoC planning around use of resources, mapping movement through the system, and for creating and implementing a coordinated assessment approach.<sup>4</sup>

### Use Reasonable Accommodation to Ensure Equal Participation

Since the 1970s, there have been many federal and state laws passed in an effort to ensure that people with disabilities can participate fully and equally in federal and state housing programs. As a result of these laws, PHAs

are obligated to make reasonable changes – known as “reasonable accommodation” – in HCV program policies and procedures to ensure equal participation in the program by people with disabilities, including homeless people with disabilities assisted with NED vouchers.

TAC has created a [one-of-a-kind online database of PHAs with NED vouchers](#) as well as other special purpose vouchers.

Some common examples of reasonable accommodations in using NED vouchers include:

- Allowing for applications to be submitted via mail or fax instead of in person
- Allowing alternate sources of documentation to verify Social Security Number, such as a Medicaid benefits letter or a letter from a state human services agency
- Allowing extra time for to collect required documentation

In addition to these common examples, HUD HCV regulations include specific language that requires PHAs to adjust certain policies for people with disabilities, if needed.

- PHAs must provide an extension of the initial 60-day housing search term if requested as a reasonable accommodation ([24 CFR 982.303\(b\)\(2\)](#)).
- PHAs must provide a larger unit size if necessary to accommodate the individual’s disability ([24 CFR 982.402\(b\)\(7\)](#) and [\(8\)](#)).
- A live-in aide may reside in the unit as a reasonable accommodation if needed by the person with a disability ([24 CFR 982.517](#)). For more information, see [Live-in Aides & the Housing Choice Voucher Program](#)
- PHAs must provide a list of available wheelchair accessible units to individuals who need such units ([24 CFR 8.28\(a\)\(3\)](#)).
- PHAs and/or HUD may approve an exception payment standard if needed as a reasonable accommodation ([24 CFR 982.503\(c\)\(2\)\(ii\)](#) and

<sup>4</sup> Under the CoC Program interim rule, the Continuum of Care must establish and operate a coordinated assessment system. The primary purpose of a coordinated assessment system is to make rapid, effective, and consistent client-to-housing and service matches— regardless of a client’s location within a CoC’s geographic area —by standardizing the access and assessment process and by coordinating referrals across the CoC.

[Notice PIH 2010-11](#)). If the PHA's current applicable payment standard is below 110 percent of the Fair Market Rent (FMR), the PHA may make its own determination about the request and increase the payment standard up to 110 percent of the FMR on a case-by-case basis. However, if the payment standard is already at or above 110 percent of the FMR, the PHA should pass exception payment standard requests on to HUD for review.

- PHAs must approve a higher utility allowance if requested as a reasonable accommodation ([24 CFR 982.517](#)).
- PHAs must approve the leasing of a unit from a relative if needed as a reasonable accommodation ([24 CFR 982.306\(d\)](#)).
- PHAs must permit vouchers to be used in special housing types such as Single Room Occupancy (SRO) units, shared housing (i.e., roommate situations), group homes, congregate housing and assisted living ([24 CFR 982 Part M Special Housing Types](#)).

## Develop a Waiting List Preference

Preferences are a valuable tool in meeting a community's overall housing needs. These waiting list preferences allow the PHA to serve a household that meet specific criteria before other households. Some examples of preferences that are commonly used include:

- Homeless people
- Veterans
- Residency Preference (living and/or working within the PHA jurisdiction)

PHAs may limit the number of households that qualify for a particular preference. PHAs may also design preferences using a point system so that households that meet multiple preferences are selected before those that meet fewer preference categories. For more information, see [Examples of Waiting List Preferences](#).

Notice 2013-15 mentioned earlier includes guidance for PHAs in establishing admissions preferences specifically for homeless households. Although a PHA may only have one waiting list for tenant-based HCVs, it is possible to design a preference that incorporates the NED vouchers and targets them towards specific homeless households. For example, a PHA could implement waiting list preferences for:

- Non elderly disabled households that are homeless
- Non-elderly disabled households that are currently residing in CoC Program-funded PSH. As part of a “move-up” strategy, this preference would create vacancies in the PSH projects.
- Non-elderly disabled households that are currently residing in PSH targeted to chronically homeless persons and have resided there for a specific length of time (e.g., 2 years). The time requirement allows the households to show a history of housing stability and time to address any potential barriers to admission before receiving the HCV.
- Non-elderly disabled households that have been residing in transitional housing for homeless persons for a specific length of time.
- Non-elderly disabled households that are currently receiving HOME or HOPWA funded tenant-based rental assistance targeted to homeless persons. If designed carefully, the HOME TBRA can act as a “bridge,” assisting the household until a HCV is available.<sup>5</sup>

For more information about using HCVs for people with disabilities and reasonable accommodation:

- [Section 8 Made Simple](#)
- [Strategies to Help People with Disabilities Be Successful in the Housing Choice Voucher Program](#)

<sup>5</sup> Specific program design criteria must be in place in order for households to seamless transition to a HCV, such as mirroring the HCV program with regards to tenant rent responsibilities, requirements, and calculations and ensuring that units assisted with HOME TBRA Bridge funding meet federal Housing Quality Standards and the rent limits used by the local PHA.