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## Chapter 8 – Keeping a Housing Choice Voucher

# KEY CONCEPTS

### **HOUSING CHOICE VOUCHER (HCV)**

**HOUSEHOLDS MUST** re-verify household income and composition annually, notify the public housing agency (PHA) of any changes in income or household composition, and allow the rental unit to be regularly re-inspected.

**IT IS IMPORTANT** that re-inspection and recertification appointments not be missed, as HCV rental assistance can be terminated as a result of missed appointments.

**RENTAL PROPERTY OWNERS** participating in the HCV program are required to keep housing units in good condition.

**A PHA CAN ESTABLISH A POLICY** that non-resident HCV applicants must live within the PHA's jurisdiction for a specified amount of time.

**ALL HCV HOUSEHOLDS** have the right to appeal PHA decisions regarding terminations.

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### *Housing Choice Voucher Household Responsibilities During Tenancy* (24 CFR 982.551)

The responsibilities of the Housing Choice Voucher (HCV) household do not end when a unit is found and a lease is signed. HCV households must meet certain obligations and reporting requirements as long as they are receiving housing assistance. These obligations are described in the [Housing Choice Voucher form](#) and include:

- Recertifying income and household composition annually
- Notifying the public housing agency (PHA) promptly of certain changes in income or household composition
- Allowing the rental unit to be re-inspected at least once a year to ensure that it continues to be of good quality

The household is also responsible for meeting all obligations included in its lease with the owner. Common lease requirements include paying the rent on time, maintaining the unit in good condition, and not disturbing other tenants or neighbors.

### *Re-Verifying Household Income*

On at least an annual basis, the HCV household must meet with PHA staff to re-verify its income and family composition. This requirement is referred to as “recertification” and is a way of ensuring that the household’s total tenant payment (TTP) and subsidy amounts are accurate.

It is important for HCV households to check their mail regularly, as important notifications from the PHA usually comes in the form of a written letter. Typically, PHAs send a letter to the household a few months prior to the household’s lease anniversary. The letter instructs households on how to make a recertification appointment and lists the necessary documentation to bring to the appointment.

At the recertification, if the household’s income has increased, then its TTP is raised and the subsidy amount is lowered. Conversely, if the household’s income has decreased, its TTP also decreases and the PHA subsidy amount increases. The PHA is required to give households reasonable notice (usually 30 days prior to the first of the month) of any increase in the household’s TTP.

The PHA may establish a policy regarding how many recertification appointments (if any) can be missed. HUD permits PHAs to terminate HCV assistance if a household misses a recertification appointment.

If there is an unexpected change in the household's income during the year (e.g. due to losing a job) the household should notify the PHA in a timely manner so that the subsidy amount can be changed. This process is referred to as an "interim recertification."

### ***Recertification and a \$0 Housing Assistance Payment (HAP)***

As a household's income increases, PHA will lower the subsidy and raise the total tenant payment. If a household's income increases substantially, there may come a point at which the subsidy amount is equal to \$0 and the household is responsible for the full housing cost of its unit. This is often referred to as a \$0 HAP situation.

When this happens, the PHA must allow the household the option of continuing in the HCV program for six months from the date of the recertification. During that period the HAP contract (see Chapter 7) between the PHA and the owner remains in effect. This policy allows time to ensure that the increase in household income is expected to be long-term. This is especially important for people who have experienced chronic homelessness and others who may not have been in the workforce recently.

If the household's circumstances change during this six-month period and the family again needs HCV assistance, the PHA must conduct an interim reexamination and reinstate assistance. At the end of six months, if the assistance has not been restored, the HAP contract is terminated and the household is no longer be part of the HCV program. The PHA must notify the household and the owners at least 30 days in advance of the proposed termination and provide an opportunity to request an informal hearing.

## **REASONABLE ACCOMMODATION**

### ***RECERTIFICATION***

As a reasonable accommodation, a person who has been chronically homeless can request modifications to a public housing agency's recertification policies if needed due to their disability, such as allowing more time for the recertification process (including rescheduling appointments) or providing home visits to conduct recertifications.

### ***Changes in Household Composition***

During the income recertification process, the PHA must also re-verify the household's size and composition. These changes are important since they too can affect the amount of the HCV subsidy paid by the PHA.

If there is a change in the household's composition — as a result of a death or birth, for example — the household is responsible for notifying the PHA as soon as possible and should not wait until the annual recertification appointment. Many PHAs set a short time frame — often three to five days — to report any household composition changes.

### ***Additional Household Members***

Although visitors or weekend guests do not have to be reported, any new residents of the unit — even if temporary — must be reported to the PHA. Temporary residents are considered to be benefiting from the HCV program while they are residing with the HCV household. The income of any temporary resident must be reported to the PHA so that a new subsidy amount can be calculated. Any new member of the household, even if temporary, may also be screened by the PHA for prior tenant history, criminal background, or other PHA screening criteria. Each PHA's definitions of temporary and permanent household members should be included in its HCV Administrative Plan (see Chapter 11).

## **GOOD TO KNOW**

### ***VISITORS***

Some public housing agencies have found that once a person who has been chronically homeless gets a voucher and leases a unit in the community, often friends, family, and other people in precarious housing situations move into the unit for the short or long term. These visitors can put the chronically homeless individual's lease and Housing Choice Voucher assistance at risk.

### ***Housing Quality Standards Re-inspection***

Public housing agencies are required to re-inspect all housing units subsidized with HCV rental assistance at least once a year. This is to ensure that the unit is still of good quality and meets housing quality standards (HQS) guidelines. A unit may be re-inspected more frequently if requested by the owner or the HCV household, or as part of a PHA's own internal audit of its HCV program.

An HCV household or participating owner may also request an “interim re-inspection” of the unit by the PHA, especially if there is an identified problem or complaint.

### ***Absences from the Unit*** ([24 CFR 982.312](#))

The assisted unit must be the household's primary residence in order for the household to continue receiving an HCV subsidy. The HCV regulations allow for households to stay elsewhere than the housing unit, but only for brief periods of time. The PHA's HCV Administrative Plan should include information about acceptable time periods for absences.

Households should be proactive in notifying the PHA ahead of time about any planned absences. PHAs are allowed to adopt practices to confirm that a household is residing in the unit through letters to the household members at the unit, phone calls, visits, or questions to the owner or neighbors.

The household may not be absent from the unit for more than 180 consecutive days, for any reason. If this happens, the PHA has the right to terminate the household from the program.

## REASONABLE ACCOMMODATION

### ***ABSENCES FROM THE UNIT***

People who have been chronically homeless and others with disabilities or special needs may need to be absent from the unit for an extended stay while they reside in an institution or hospital. Case managers, advocates, family members, and voucher holders should make sure that PHAs have policies documented in their Housing Choice Voucher Administrative Plan that allow for these temporary absences and do not result in termination.

A chronically homeless person who is terminated from the program because of an extended absence due to institutionalization can request a reasonable accommodation to have the voucher reinstated, especially if the absence was for less than 180 days.

### ***Owner Responsibilities***

Property owners receiving HCV payments from a PHA have responsibilities too. The role of the owner in the HCV program is to provide decent, safe, and sanitary housing at a reasonable rent. To qualify for HCV rental assistance, the housing unit must pass the HQS inspection discussed earlier and be maintained up to these standards as long as the owner receives rental assistance payments from the PHA. In addition, the owner is expected to provide the services (such as garbage removal, snow shoveling, etc.) agreed to as part of the lease signed with the tenant and the contract signed with the PHA.

### ***Rent Increases***

Usually, owners participating in the HCV program seek to raise rents over time in order to cover increased operating costs. According to HCV regulations, rent increases are allowable, leading to an increase in the subsidy amount, the tenant's share of the rent, or both.

### **Increase in the subsidy amount**

Once a year, in anticipation of the anniversary date of the HAP contract, owners may request an increase in the HCV subsidy from the PHA. The

increase must result in a reasonable rent in order to be approved by the PHA. If the increase requested by the owner is unreasonable based on housing market conditions, the PHA must refuse the request on the basis that the unit would no longer meet the rent reasonableness standards of the program (see Chapter 6).

### **Increase in Household's Total Tenant Payment**

Sometimes, a rent increase may result in the household's paying more than 40 percent of its adjusted income towards housing costs. As mentioned in [Chapter 6](#), HCV households may not pay more than 40 percent of their income toward housing costs except if they are currently receiving HCV assistance in a housing unit and the PHA approves a rent increase by the owner. This regulation is intended to give households the choice of either moving to a new unit that meets HCV guidelines, or remaining in their current unit and paying more than 40 percent of their monthly income towards housing costs. Under no circumstances can an owner demand additional rent from the tenant without the PHA's approval. It is important to note that even if the rent goes up and the household agrees to pay above 40 percent of its adjusted income towards housing costs, the PHA can still deny the request if the increase results in a gross rent that no longer meets its rent reasonableness standard.

### ***Moving with a Voucher***

A household's needs may change over time due to changes in household size or job location, or for other reasons. The tenant-based component of the HCV program is designed to allow a household to move to another PHA's jurisdiction without losing its voucher.

This regulation in the HCV program is referred to as "portability." Simply stated, portability means that an HCV household may use its voucher to lease a unit in any community in the country, as long as there is a PHA administering the program in that locality.

However, a PHA may establish a policy that requires a new HCV household to live within its jurisdiction for a specific amount of time, not to exceed one year. After that initial time period, the household may take its voucher and move outside the PHA's jurisdiction as long as the household notifies the PHA ahead of time, legally terminates its existing lease with the owner, and can find housing approvable under HCV program guidelines elsewhere.

People who need to move out of a PHA's jurisdiction because of a disability-related issue may request that this one-year waiting period be waived as a reasonable accommodation. For example, a chronically homeless person with a mental illness may be allowed to move from one PHA jurisdiction to another within the first year of HCV assistance if the move is necessary to improve access to community-based mental health services.

When a household moves with a voucher, the original PHA and the PHA in the new jurisdiction must determine which PHA will be responsible for

making HCV payments to the owner and which PHA will receive a fee from HUD to administer the voucher. These arrangements are worked out between the two PHAs and should not involve the HCV household.

## GOOD TO KNOW

### **PORTABILITY AND ADMINISTRATIVE FEES**

In some portability situations, one of the PHAs bills the other for the administration of the voucher. In this situation, the "receiving" PHA (i.e., the PHA in the community to which the household is relocating) will receive 80 percent of the administrative fee. The "initial" PHA (i.e., the PHA in the community from which the household is relocating) receives the remaining 20 percent — with the result that neither PHA is getting the full payment. This financial structure acts as a disincentive for PHAs to encourage portability. Because PHAs would prefer that HCV households remain within their jurisdiction, they often establish policies that make this more likely (such as a residency preference in the waiting list).

### ***Voluntary and Involuntary Terminations*** ([24 CFR 982.552](#))

According to HUD's regulations, HCV households remain eligible for assistance until 30 percent of the household's income equals the gross rent for the unit — in other words, until the total tenant payment (TTP) equals the monthly housing cost. At that point, the household no longer qualifies for the housing subsidy.

A PHA's policy for terminating households — either voluntarily or involuntarily — from the HCV program must be described in its HCV Administrative Plan. This policy must be explained to all households at the initial HCV briefing.

Besides becoming ineligible through increased income, there are several other circumstances that could result in a household's being involuntarily terminated from the HCV program. Termination of HCV rental assistance may occur:

- If the household fails to report increases in income or changes in family size
- If any member of the household commits violent or drug-related criminal activity
- If any member of the household commits fraud, bribery, or any other corrupt criminal act in connection with any federal housing program
- If the household owes rent or other amounts to the PHA and refuses to enter into a repayment agreement or fails to comply with the terms of an existing repayment agreement
- If the household breaches an agreement to repay money owed to another PHA

- If any member of the household (or a guest of the household) threatens or engages in abusive or violent behavior toward PHA personnel or a property owner

## REASONABLE ACCOMMODATION

### **TERMINATIONS**

As a reasonable accommodation, a public housing agency can reinstate a voucher that was terminated for cause due to disability-related circumstances.

### ***Appeals of Terminations*** ([24 CFR 982.554](#) and [982.555](#))

As with the decisions regarding eligibility discussed in [Chapter 5](#), PHAs must also establish a process for allowing HCV households to appeal termination decisions made by the PHA. This appeals process must be described in the HCV Administrative Plan and must include:

- A written statement to the HCV household of the termination decision, including an explanation of the basis of the PHA's decision and a notification of the household's right to request an informal hearing on the decision (including the deadline for requesting such a hearing)
- The opportunity for the household to examine — before the PHA hearing — any PHA documents directly relevant to the hearing
- The appointment by the PHA of an official Hearing Officer, who must not be the person who approved the decision under review or a subordinate of that person

During the hearing, both the PHA and the household are allowed to present any evidence that may be relevant and to question any designated witnesses. The household may also bring legal representation to this hearing — such as Legal Services or another attorney.