

VI. BRIEFING OF FAMILIES AND ISSUANCE OF HOUSING CHOICE VOUCHERS

A. BRIEFING NOTIFICATION

Once an applicant is determined eligible CDC will contact the family to schedule a briefing appointment. A notice of the briefing session will be sent to the family at least **ten (10)** calendar days in advance. If the applicant fails to appear, he/she may be rescheduled for the next briefing session. If the applicant fails to appear a second time, the application will be withdrawn from all waiting lists the applicant is currently on. The applicant family may reapply when CDC is accepting applications.

Reference for this Chapter: CFR 24 982.301 Information when family is selected

B. CONTENTS OF THE BRIEFING

A family selected to participate in the CDC's tenant-based program will be provided an oral briefing.

The briefing shall include information on the following subjects:

- a. A description of how the program works;
- b. Family and owner/landlord responsibilities;
- c. Where the family may lease a unit, including renting a dwelling unit inside or outside the CDC's jurisdiction, and any information on selecting a unit that HUD provides;
- d. An explanation of how portability works. The CDC may not discourage the family from choosing to live anywhere in the CDC's jurisdiction, or outside the CDC's jurisdiction under portability procedures, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order. The family must be informed of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance.
- e. An explanation of the advantages of moving to areas outside of poverty or minority concentration.
- f. In briefing a family that includes any disabled person, CDC must take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6, such as providing a sign language interpreter, a Spanish language interpreter, or other communication assistance as may be appropriate.

C. CONTENTS OF BRIEFING PACKET

When a family is selected to participate in the program, CDC will provide the family a packet that must include information on the following subjects (*ref: CFR 982.301*):

1. The initial term of the voucher and CDC policy on any extensions or suspensions of the term. The packet will explain how the family can request an extension;
2. How the CDC determines the housing assistance payment for a family including;
 - How CDC determines the payment standard for a family;
 - How CDC determines the total tenant payment for a family;
 - How CDC determines the maximum rent for an assisted unit
3. Where the family may lease a unit, and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance.
6. The HUD-required tenancy addendum. The tenancy addendum is the language that must be included in the lease;
7. The Request for Tenancy Approval form and an explanation of how to request CDC approval to lease a unit;
8. A statement of CDC's policy on providing information about a family to prospective owners/landlords;
9. CDC's subsidy standards, including when the CDC will consider granting exceptions to the standards;
10. The HUD brochure on how to select a unit and any additional information on selecting a unit that HUD provides;
11. The HUD lead-based paint (LBP) brochure;
12. Information on Federal, state and local equal opportunity laws, and a copy of the housing discrimination complaint form;
13. A list of owners/landlords or other parties known to the CDC who may be willing to lease a unit to the family, or other resources known to CDC that may assist the family in locating a unit. CDC must ensure

that the list of landlords or other resources covers areas outside of poverty or minority concentration.

14. Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to CDC that may be available;
15. Family Obligations under the program;
16. The advantages of areas that do not have a high concentration of low income families
17. CDC informal hearing procedures. This information shall describe when the CDC is required to give a participant family the opportunity for an informal hearing, and how to request a hearing;

D. VOUCHER ISSUANCE

Regulation: A voucher can be issued to an applicant family only after the PHA has determined that the family is eligible for the program based on information received within the 60 days prior to issuance [24 CFR 982.201(e)]

CDC Policy:

The CDC will determine a family is eligible for the program based on information the CDC received within 60 days prior to issuance of the voucher. Vouchers will be issued to eligible families during the mandatory briefing.

The CDC should have sufficient funds to house an applicant before issuing a voucher. If funds are insufficient to house the family at the top of the waiting list, the CDC must wait until they have adequate funds before they call another family from the list.

If the CDC determines that there is insufficient funding after a voucher has been issued, the CDC may rescind the voucher and place the affected family back on the waiting list in its original position. CDC will notify the family in writing.

E. TERM OF THE VOUCHER

Regulation: The initial term of the voucher must be at least 60 calendar days. The initial term must be stated on the voucher [24 CFR 982.303(b)]

Families coming off the Waiting List:

CDC Policy:

The initial term of the voucher expires at the end of sixty (60) calendar days from the date of issuance, unless the family has submitted a Request for Tenancy Approval, or requested an extension (see below).

If the applicant family has submitted a completed Portability Request Form and CDC has approved the request, CDC will extend the term of the voucher to expire at the end of one hundred and eighty (180) calendar days with no option for extensions. CDC will follow the policies set forth in Chapter XVI of this plan for families porting out of CDC's jurisdiction.

The maximum term of the voucher may not be more than 180 calendar days except for the purposes of a reasonable accommodation for a person with a disability, if requested, and verified under the normal reasonable accommodation process.

Current Program Participants (under HAP contract) – Relocations within Mendocino County and Port Out to another jurisdiction:

CDC Policy:

For current program participants who are relocating or porting out of Mendocino County the initial term of the voucher to locate a unit expires at the end of one hundred and eighty (180) calendar days from the date of issuance, unless the family has submitted a Request for Tenancy Approval.

The family will have no opportunity to extend the term of the voucher with CDC, except in the instances where "tolling" applies (see below) and for the purposes of a reasonable accommodation for a person with a disability, if requested, and verified under the normal reasonable accommodation process. For portable families the receiving PHA determines the term of the voucher issued in their jurisdiction in accordance with HUD regulations.

Port In's

Regulation: (24 CFR 982-355 (c)(13). CDC must issue a voucher to the ported family that does not expire before 30 calendar days from the expiration date of the initial PHA's voucher. The receiving PHA must contact the initial PHA if the family's voucher expires before the family arrives at the receiving PHA, to determine whether the initial PHA will extend the voucher.

CDC Policy:

For family's porting into Mendocino County, CDC will issue a voucher expiring 30 calendar days from the expiration date of the initial PHA's Voucher.

If the family's voucher expires before the family arrives in Mendocino County, CDC will contact the Initial PHA to determine if they will extend the voucher term.

If the Initial PHA fails to respond to CDC within seven (7) calendar days, or will not extend the voucher term, CDC will refer the family back to the initial PHA.

If the Initial PHA agrees to extend the voucher term CDC will request the initial PHA to supply CDC with a new Voucher that has the extended expiration date.

Refer to Chapter XVI. Portability

F. EXTENSIONS

CDC Policy:

The maximum term of a voucher issued by CDC will not exceed one hundred and eighty (180) calendar days. This time frame includes any extensions granted to the family by CDC.

Port In's

If CDC is administering the voucher (billing), the family will have no opportunity to extend the term of the voucher, because of the required time frame for submitting a bill to the initial PHA.

If CDC is "absorbing" the family, then CDC will consider extending the term of the voucher to a total search time not to exceed one hundred and eighty calendar days. In such cases, an extension would only be granted if the term of the voucher CDC issued the participant has not already exceeded one hundred and eighty (180) calendar days.

The policies below pertaining to requesting an extension apply to family's porting in to CDC's jurisdiction.

Requesting an Extension:

If the family qualifies for extensions CDC will extend the term of the voucher. All requests for voucher extensions should be received prior to the expiration date of the voucher. CDC may consider all relevant circumstances if an extension request is received within one week after the voucher expiration.

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In order for CDC to grant an extension a family must;

- Request an extension in writing
- If applicable, provide CDC with updated income documentation
- Complete a "Contact Sheet" showing a reasonable effort has been made to locate a unit throughout the initial search period.

CDC may also consider granting one extension to the initial voucher term for the reasons listed below:

1. The family was prevented from finding a unit due to disability accessibility requirements or large size (4 bedroom or larger) unit requirements. The Search Record is part of the required verification.
2. If the vacancy rate for rental housing in the jurisdiction is less than 5 percent another extension will be granted automatically upon request up to 60 days.
3. *If the family needs and requests an extension of the initial voucher term as a reasonable accommodation to make the program accessible to family member who is a person with disabilities, the PHA must extend the voucher term up to the term reasonably required for that purpose. (24 CFR 982.303(B)(2).*

CDC staff will review the efforts the family has made to find a suitable dwelling unit and the problems they have encountered. The staff may offer advice or assistance which may be helpful in assisting the family locate appropriate and affordable housing.

If CDC determines the families extension request is reasonable based on the policies listed above, then CDC may grant an extension, not to exceed a total search time of one hundred and eighty (180) calendar days. . In no event shall the time be extended beyond the maximum time limit allowed by Federal regulations.

CDC will only consider granting an extension exceeding one hundred and eighty calendar days for the purposes of a reasonable accommodation for a person with a disability, if requested, and verified under the normal reasonable accommodation process.

G. SUSPENSIONS

Regulation: 24 CFR 982.303 (c) Suspension of term. The PHA must provide for suspension of the initial or any extended term of the voucher from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

CDC Policy:

CDC will grant a family a suspension of the term of the voucher from the date the family submits a completed Request for Tenancy Approval packet (which includes a Request for Tenancy Approval, lead based paint landlord acknowledgement, a landlord affidavit, , and the HQS inspection checklist) until the date CDC notifies the family in writing whether the request has been approved or denied.

Suspensions may also be permissible for extenuating circumstances such as hospitalization, or an extended family emergency, which has affected the family's ability to find a unit within the term of the voucher.

CDC will require the family to submit a written request for a suspension. Upon receipt and review, CDC will determine if the suspension can be granted with the information provided, or may require the applicant/participant to require additional information to verify the circumstances. The voucher term will suspend/toll while CDC is making the determination, up until the date the participant/applicant is notified in writing.

If CDC determines the family's suspension request is reasonable, then CDC may grant a suspension. In no event shall the time be suspended beyond ninety (90) calendar days.

H. VOUCHER TERM EXPIRATION

Reference: Housing Choice Voucher HUD form 52646 Paragraph 6.:
The voucher will expire on the date stated ,.... unless the family requests an extension/suspension in writing and CDC grants a written extension/suspension of the voucher term.

Reference: Housing Choice Voucher HUD form 52646 Paragraph 2. B.:
The voucher does not give the family any right to participate in CDC'S Housing Choice Voucher Program. The family becomes a participant in the PHA's housing choice voucher program when the HAP contract between CDC and the owner takes effect.

Reference: HCV Guidebook Chapter 8. Voucher Term Expirations.
When a family's housing choice voucher term expires with or without an extension/suspension, the PHA has the authority to establish a policy for handling these families. This policy must be included in the PHA's administrative plan. The PHA may,

- *Require that the family reapply when the PHA begins accepting applications; or*
- *Place the family on the waiting list with a new application date without requiring it to reapply.*

CDC Policy:

The Housing Choice Voucher term expiration pertains to the deadline for submission of a Request for Tenancy Approval.

For Current Program Participants: If the family's Voucher term expires and there is not a current HAP contract in effect (current participants receiving rental assistance), then CDC will notify the family in writing that their voucher has expired and they may re-apply when CDC is accepting applications. The family will not be given the option for an informal review/hearing.

For Applicants issued a Voucher: CDC will notify the family in writing that the voucher has expired, and there is no option for an informal review. The household may re-apply when the waitlist is open.

For Current Program Participants under HAP Contract: If the family is still residing in the assisted unit and receiving rental assistance under a HAP contract they are still considered participants of the Housing Choice Voucher Program.

If the family has already given the landlord a Notice to Vacate they must supply CDC with written confirmation from the landlord allowing the family to rescind the notice to vacate and stay in the rental unit.

I. SUBSIDY STANDARDS

Regulation: [24 CFR 982.402] For each family, the PHA determines the appropriate number of bedrooms under the PHA subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when the PHA determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.*
- The subsidy standards must be consistent with space requirements under the housing quality standards (see Chapter 8-I.F for information on HQS space requirements).*
- The subsidy standards must be applied consistently for all families of like size and composition.*
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.*
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.*
- Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;*
- Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under the PHA subsidy standards.*

CDC's Policy regarding Subsidy Standards:

The payment standard for the assigned subsidy standard size determines the maximum subsidy allowed for a participant. This standard is determined by assigning the number of bedrooms the family requires to accommodate the family composition. The assignment of the bedroom unit size is for the purpose of setting the allowable subsidy standard for the family and does not dictate the bedroom size unit the family may select as its housing choice. CDC does not determine who shares a bedroom/sleeping room. The following guidelines are used to determine each family's assigned subsidy size without overcrowding or under-housing.

The family composition indicated on the application for assistance is used when determining bedroom size. The CDC will assign one (1) bedroom for the head of household and spouse or co-head and an additional bedroom for each two (2) additional persons within the household. Based on the 50058 description a co-head is an individual in the household who is equally responsible for the lease with the head of household. An example of a co-head would be an unmarried couple or two persons living

together and listed as head and co-head on the lease agreement. The family may designate adult household members as HOH/Spouse or Co-head. If a family does not designate a household member CDC will apply the designation based on the 50058 description.

The CDC will also take into consideration the following circumstances;

- a. Any live in aide (approved by the CDC to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size. An approved live-in aide and his/her family members are restricted to (1) one bedroom.
- b. Foster children will be included in determining unit size only if they will be in the unit for more than 186 consecutive calendar days. Documentation from the Department of Public Health and Social Services agency responsible for placement must be provided prior to the placement of the child(ren), except in cases of emergency. See Chapter XX. of this plan for further clarification.
- c. A child who is temporarily away from the home due to placement in foster care or another non-permanent situation may be considered a member of the family and included in determining voucher size. See Chapter III part I.-L Absent Family Members for CDC's policy regarding absences due to placement in foster care.
- d. Single pregnant women with no other family members will be treated as a two-person family.
- e. If any household member is pregnant and the expected delivery date is within 120 days of the subsidy standard being applied the additional child will be considered as a member of the household. Written documentation from the participant's medical provider will be obtained verifying the expected delivery date prior to the subsidy standard being applied.
- f. Children who live in the unit less than fifty-one percent of the time will not be counted in the household composition to determine unit size. Fifty-one (51%) percent will be defined as 186 days per calendar year (which do not need to run consecutively).
- g. Space will not be provided for a family member who will be absent most of the time. CDC will consider an absence to be anticipated to last less than three (3) months to be temporary. Refer to Chapter IV when determining if a household member would be considered temporarily or permanently absent.
- h. Space may be provided for a family member who is away at school but who lives with the family during school recesses, and who has not established permanent housing elsewhere. For example, a college student residing in a dorm while attending school would be considered temporarily absent. A college student who has signed a lease agreement elsewhere would be considered to have found permanent housing, and therefore removed from the household.

Single person families will be allocated a studio or one bedroom.

The family unit size will be determined by CDC in accordance with the above guidelines and will determine the maximum rent subsidy for the family. However, the family may select a unit larger or smaller than the family unit size; provided they do not pay over 40% of their adjusted income for rent and utilities at the time of initial lease-up on the HCV program, and they are not over-occupying the unit.

If the family selects a smaller unit, the payment standard for the smaller unit will be used to calculate the subsidy. If the family selects a larger unit size, the payment standard for the family unit size for which the family qualifies will determine the maximum subsidy.

Maximum Occupancy and Increasing/decreasing Voucher Size

CDC Policy:

The unit size on the voucher remains the same as long as the family composition and CDC's subsidy standards remain the same, regardless of the actual unit size rented. Families that exceed two people per bedroom plus one person in a household will be considered over-crowded and will be required to reduce the household size, or move to an appropriately sized unit.

Should there be a reduction in the size of the family, or a change to CDC's subsidy standards the applicable subsidy standard will be applied at the next annual re-examination or relocation, whichever occurs first.

CDC will not increase the voucher size when there is an approved increase in household size unless the increase in household size is due to one of the following exceptions; birth, adoption, marriage, domestic partnership, court-awarded custody or the approval of a live-in aid.

Refer to Chapter XII. part H. of this plan for additional requirements pertaining to adding to the family composition.

CDC will deny household member additions (other than those listed above) if adding the household member/s would cause the unit to be overcrowded.

EXCEPTIONS TO SUBSIDY STANDARDS

Regulation: *In determining family unit size for a particular family, the PHA may grant an exception to its established subsidy standards if the PHA determines*

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*that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances [24 CFR 982.402(b)(8)].
Reasons may include, but are not limited to:*

- A need for an additional bedroom for medical equipment*
- A need for a separate bedroom for reasons related to a family member's disability, medical or health condition*

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom [24 CFR 982.402(b)(8)].

CDC's Policy regarding Exceptions to Subsidy Standards:

The CDC will consider granting an exception to its subsidy standard as a reasonable accommodation for a person with disabilities.

As a Reasonable Accommodation the family may request an exception to the subsidy standard at any time. The request must explain the need or justification for a larger family unit size.

Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability related request for accommodation is readily apparent or otherwise known.

CDC will notify the family of its determination after receiving the family's request and necessary verifications. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.