

# 2020 Mid-Year Significant Changes to the PHA Plan, Admissions and Continued Occupancy Plan, and Housing Choice Voucher Administrative Plan

The Public Housing Authority (PHA) must define any significant changes to its policies or plans. The PHA defines a “substantial deviation” and “significant amendment/modification” as any change in policy which significantly and substantially alters the Authority’s stated mission and the persons the Authority serves. The proposed changes below have not been deemed “significant”.

New language is indicated in red. Deleted language is shown in ~~strikeout~~.

## PUBLIC HOUSING AGENCY PLAN (PHA PLAN)

The PHA Plan is being amended to include the following attachments and updated definition:

1. Attachment R - Rental Assistance Demonstration (RAD)
2. H-2019-09 PIH-2019-23 (HA), Rental Assistance Demonstration REV-4 – Final Implementation for resident rights, participation, waiting list, and grievance procedures required for RAD Conversion

**Explanation of the Change:** The PHA Plan was updated to include the revised PIH Notice which includes a change in the eligibility and selection criteria as well as clarifications of existing instructions.

## HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN

### Chapter 4 Establishing Preferences

#### Special Admissions

- Family Unification Program (FUP) is a program under which housing assistance is provided under the Housing Choice Voucher (HCV) program in partnership with Public Child Welfare Agencies to two groups:
  1. Families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care; and

2. Youth at least 18 years and not more than 24 years of age (have not reached their 25th birthday) who left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act, and are homeless or are at risk of becoming homeless at age 16 or older. As required by statute, a FUP voucher issued to such a youth may only be used to provide housing assistance for the youth for a maximum of 36 months.

***Explanation of the Change: Defining the qualifications for the Family Unification Program per HUD definition***

### **Chapter 5 Subsidy Standards**

#### **Under-housed CFR 982.403**

If a unit does not meet HQS space standards due to an increase in family size (unit too small), the PHA will ~~terminate the current contract and~~ issue a new voucher of the appropriate size as soon as the under-housed situation is identified. ~~The PHA will terminate the HAP contract once an appropriate HQS approvable sized unit has been found.~~

***Explanation of the Change: The PHA will not terminate the contract for families to give additional time to find an appropriate size unit.***

### **Chapter 8 Voucher Issuance**

#### Tolling/Suspension of Search Time

~~No tolling time will be allowed if the tenant voids a RFTA after a move-in inspection has occurred or if the tenant voids a RFTA more than one (10) time during a move process.~~ Additional time will be given to the family to choose an appropriate size unit following a reasonable accommodation decision for individuals with disabilities that affect their ability to search for and/or secure an appropriate rental unit.

***Explanation of the Change: Amending Administrative Plan to current regulation.***

### **Chapter 12 Recertifications**

~~STREAMLINED ANNUAL RECERTIFICATION FOR FIXED INCOME (24 CFR §§960.257, 982.516, NOTICE PIH 2016-05 (HA))~~

The PHA has the discretion to adopt a streamlined income determination for any family member with a fixed source of income. The term “fixed-income” includes income from:

- Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);

- Federal, state, local, and private pension plans; and
- Other periodic payments with ongoing fixed amounts received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

***Explanation of the Change: Amending Administrative Plan to current regulation***

### **Chapter 13, Restrictions on Portability (24 CFR §982.353)**

If the family is a non-resident applicant in the PHA's jurisdiction at the time of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher. Nonresident applicants have no right to move under portability for 12 months from the time the family is admitted to the HCV program.

***Explanation of the Change: Amending Administrative Plan to current regulation.***

### **Chapter 19 Special Housing Types**

#### **J. Enhanced Vouchers**

Enhanced Vouchers are a form of “Tenant Protection Vouchers” that are provided to tenants living in properties with private, project-based assistance when an “eligibility event,” as defined in Section 8(t)(2) of the Housing Act of 1937, takes place.

#### **Enhanced Voucher Payment Standard and Minimum Rent**

A higher “enhanced” payment standard is used to determine the amount of the housing assistance payment when the gross rent of the unit exceeds the normally applicable PHA payment standard. Second, the family must continue to contribute towards rent an amount that is at least the amount the family was paying for rent at the time of the eligibility event. This minimum rent contribution is known as the enhanced voucher minimum rent. The enhanced voucher minimum rent is discussed in detail in HUD Notice PIH 2001-41, Part II.C.3

If the enhanced voucher family’s rent suffers a significant decrease in income (a decrease of at least 15 percent from the family income on the date of the eligibility event Section 8(t) further provides that the enhanced voucher minimum rent changes from the dollar amount the family was paying for rent to the percentage of income the family was paying for rent at the time of the eligibility event. Specifically, for families who were previously unassisted on the eligibility event, the family’s revised enhanced voucher minimum rent is the greater of (A) the percentage of the monthly adjusted income the family paid for gross rent on the effective date of the eligibility event, or (B) 30 percent of the family’s current adjusted monthly income. For families who were previously assisted

under a project-based or tenant based contract on the eligibility event, the family's revised enhanced voucher minimum rent is the greater of

(A) the percentage of adjusted monthly income the family Total Tenant Payment (TTP) or the voucher family share on the effective date of the eligibility event, or

(B) 30 percent of the family's current adjusted monthly income.

Under HUD Notice PIH 2001-41, if the enhanced voucher minimum rent changed because of the significant decrease in income, it remained that percentage of adjusted monthly income for as long as the family continued to receive enhanced voucher assistance. The enhanced voucher minimum rent from that point on was that specific percentage applied to the family's current adjusted monthly income, regardless of whether the family's income subsequently increased or decreased.

### Over-Housed Family

Once the PHA determines the family is over-housed, the PHA must inform the family. If the family indicates they wish to remain at the project with enhanced voucher assistance, the PHA must inform the owner of the project that the family is in an over-sized unit. The PHA and the owner will work together to identify an available appropriate size unit according to PHA subsidy standards at the project.

The over-housed family must move to an appropriate size unit in the project if one is available in order to receive enhanced voucher assistance. The enhanced voucher housing assistance payment calculation is based on the gross rent of the appropriate size unit.

If an over-housed enhanced voucher family refuses to move to the appropriate size unit, and one exists and is available for occupancy, the PHA will calculate the family's housing assistance payment for the over-sized unit based on the normally applicable voucher subsidy formula using the applicable payment standard established by the PHA for its voucher program (see 24 CFR §982.402(c) and (d)). The family will be responsible for any amount of the gross rent not covered by the housing assistance payment

***Explanation of the Change: Providing explanation of Enhanced Vouchers per current regulations and requirements.***

## **Chapter 20, Program Integrity**

### **I. ELECTRONIC SIGNATURES** (CA Civil Code Section 1633.1 – 1633.17)

The PHA may use electronic signature in lieu of manual signature for documents and contracts. The PHA may use various electronic systems for electronic signatures including but not limited to DocuSign and SHRA Resident Portal. The use is at the option of the parties to the transaction. When using electronic signature, it is under the sole control of the person using it. Electronic signature shall have the same force and effect as a manual signature.

***Explanation of the Change: This change assists clients to complete paperwork with an alternative method.***

## **Chapter 21, Project Based**

Occupancy of Wrong Size or Accessible Units

When a family is occupying a wrong-size unit or a unit that has accessibility features not required by the family, the family will be offered a right size units based on PHA subsidy standards and will have 30 days to move to the new unit from the date of the referral otherwise housing assistance on the unit will be terminated.

***Explanation of the Change: This change is to establish the time the family will have to move to the appropriate sized unit.***

## **Chapter 28 Violence Against Women Act**

### **N. Emergency Transfers**

**Sacramento Housing and Redeployment Agency (SHRA)** is concerned about the safety of its participants, 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), SHRA 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 SHRA 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 SHRA 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 ensures SHRA's covered housing programs comply with VAWA.

### 1.) 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 expressly requests the transfer; and  
Either:

- a.) The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or
- b.) 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.

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

### 2.) Emergency Transfer Request Documentation

To request an emergency transfer, tenants with rental assistance should submit their written request to the following:

SHRA Main Office: 630 I Street, Sacramento, CA 95814

The tenant will have the option of submitting HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, of Stalking and Alternate Documentation (form HUD-5382). The tenant may submit one of the following types of third-party documentation:

- a) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency documenting the domestic violence, sexual assault or stalking.
  - Documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic

violence, dating violence, sexual assault, or stalking, or the effects of abuse in which the professional attests under the penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse and that the victim of VAWA attests to the documentation.

SHRA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. If SHRA receives two or more completed form HUD-5382 that conflicts, SHRA can require the participant to submit third-party documentation within (30) calendar days. Given the third-party documentation submitted, SHRA will make a best judgment determination of which individual is the true victim in order to resolve the conflict. Lastly, SHRA will provide reasonable accommodations to this policy for individuals with disabilities.

#### Emergency Transfer Timing and Availability

SHRA will expedite any pending processes once a participant submits an Emergency Transfer due to VAWA.

##### A. Tenant- Based Assistance under the HCV program

SHRA will assist the tenant with their move to a safe unit by issuing a voucher quickly. If an emergency transfer request is received during the initial term of the lease the family will be issued a Mutual Agreement to terminate the contract. For guidance on Moves with Continued Assistance see Administrative Plan Chapter 13.

##### B. Project-Based Assistance

If the participant has not lived in the PBV unit for at least a year, SHRA will offer another PBV right sized unit, if available, and ready for move-in with 30-days. If a participant believes a proposed transfer would not be safe the participant may request a transfer to a different unit.

If SHRA has no available units for which a tenant who needs an emergency transfer is eligible, SHRA will issue a tenant based voucher. SHRA will also assist tenants in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

If a participant makes an emergency transfer request and has been living in the PBV unit for one year or more, SHRA will offer another PBV right sized unit, if available, and ready for move-in within 30-days or upon the participant's request SHRA will issue a tenant based voucher to move. For guidance on Moves with Continued Assistance see Administrative Plan Chapter 13.

SHRA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. SHRA, however, will 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 of a unit.

### C. Moderate Rehabilitation (Mod Rehab)

If the victim is a participant in the Mod Rehab program and request an emergency transfer from the owner as described in this plan, the owner will assist the victim with the move to an available unit as quickly as possible. If a unit is not available for a tenant who qualifies for an emergency transfer, SHRA will:

1. Review the owner's (and other Section 8 Mod Rehab communities) existing inventory of units and determine when the next vacant unit may be available; and
2. Provide a listing of nearby HUD subsidized rental properties, with or without preference for persons who are victims of VAWA crimes domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office

Emergency Transfers will not take priority over Housing Choice Voucher program waiting list admissions for programs under this category. At the victim's request, SHRA will refer the victim to organizations that may be able to further assist the victim and provide a list of housing service providers in the community.

### **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>.

### **Local Organizations offering Assisting Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**



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:

1. WEAVE 1900 K Street Sacramento, CA 95811, Phone number: (916) 448-2321
2. A Community for Peace 6060 Sunrise Vista Drive #2240 Citrus Heights, CA 95610, Phone number: (916) 728-5613
3. My Sisters House 3053 Freeport #120 Sacramento, CA 95818, Phone number: (916) 930-0626

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

1. WEAVE 1900 K Street Sacramento, CA 95811, Phone number: (916) 448-2321
2. A Community for Peace 6060 Sunrise Vista Drive #2240 Citrus Heights, CA 95610, Phone number: (916) 728-5613
3. My Sisters House 3053 Freeport #120 Sacramento, CA 95818, Phone number: (916) 930-0626

Victims of stalking seeking help may contact

1. WEAVE 1900 K Street Sacramento, CA 95811, Phone number: (916) 448-2321
2. A Community for Peace 6060 Sunrise Vista Drive #2240 Citrus Heights, CA 95610, Phone number: (916) 728-5613
3. My Sisters House 3053 Freeport #120 Sacramento, CA 95818, Phone number: (916) 930-0626

***Explanation of the Change: Amending Administrative Plan to identify the steps in requesting an emergency transfer in a VAWA situation***

### **FSS Addendum**

#### **FSS SELECTION PREFERENCE**

The PHA will encourage enrollment of FUP-eligible participants to the FSS program. FUP-eligible families and FUP-eligible youth that do not enroll in FSS will be added to the email list to be notified of FSS program workshops and opportunities to encourage the families to enroll in the FSS program.

***Explanation of the Change: This addition is a requirement of voucher funding for the Family Unification Program.***