



# HOUSING AUTHORITY OF THE CITY OF SAN BUENAVENTURA

## HOUSING CHOICE VOUCHER PROGRAM

### 2013 Proposed changes to the Administrative Plan

\*New policy and clarifications are highlighted in **yellow** and underlined

\*Current policy removed using ~~strikethrough~~

#### Chapter 2

### FAIR HOUSING AND EQUAL OPPORTUNITY

#### NONDISCRIMINATION

Federal laws require the HACSB to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. The HACSB will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Reauthorization Act of ~~2005~~ **2013** (VAWA)
- When more than one civil rights law applies to a situation, the laws will be read and applied together.
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

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HACSB shall not discriminate based on race, color, sex, religion, familial status, age, disability, national origin, marital status, ancestry, source of income, **actual or perceived** sexual orientation, **gender identity**, age or arbitrary physical characteristics.

**Non-Discrimination**

HACSB Policy

HACSB shall not discriminate based on race, color, sex, religion, familial status, age, disability, national origin, marital status, ancestry, source of income, **actual or perceived** sexual orientation, **gender identity**, age or arbitrary physical characteristics.

**Chapter 3**

**ELIGIBILITY**

**Family**

To be eligible for assistance, an applicant must qualify as a family. A family may be a single person or a group of persons. *Family* as defined by HUD includes **but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status**, a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides, or a single person. A single person family may be an elderly person, a displaced person, a disabled person, or any other single person. The PHA has the discretion to determine if any other group of persons qualifies as a family.

**Return of Permanently Absent Family Members**

HACSB Policy

The family must request HACSB approval in writing for the return of any adult family members that the HACSB has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

**Chapter 4**

**APPLICATIONS, WAITING LIST AND TENANT SELECTION**

**PART I: THE APPLICATION PROCESS**

**4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]**

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits the PHA to determine the format and content of HCV applications, as well how

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such applications will be made available to interested families and how applications will be accepted by the PHA. However, the PHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA's application.

HACSB Policy

~~A two-step process will be used when families apply for assistance. In step one;~~ **At the time of initial application, the** HACSB will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list.

**A two-step process will be used when updating an application for housing assistance. In step one, a preference update letter will be sent to determine priority on the waiting list in accordance with "4-III.B.Selection Method" of this chapter.**

Step two occurs when the family is selected from the waiting list. At that time, the family will **receive a second update letter and** be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

Families may obtain application forms from the HACSB's office during normal business hours. Applicants may also obtain the application form from HACSB's website: [www.hacityventura.org](http://www.hacityventura.org). Families may also request (by telephone or by mail) that a form be sent to the family via first class mail.

Completed applications must be returned to the HACSB by mail, fax or submitted in person during normal business hours. Applications must be complete in order to be accepted by the HACSB for processing. If an application is incomplete, the HACSB will notify the family of the additional information required.

**PART II: MANAGING THE WAITING LIST**

**4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]**

The PHA's HCV waiting list must be organized in such a manner to allow the PHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

HUD requires the PHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

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HACSB Policy

HACSB will maintain a ~~single~~ **separate** waiting list for the HCV program **tenant based vouchers and each project based voucher property as needed.**

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program HACSB operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

HUD permits, but does not require, that PHAs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

**4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]**

HUD requires the PHA to establish policies to use when removing applicant names from the waiting list.

**Purging the Waiting List**

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a PHA request for information or updates because of the family member's disability, the PHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c) (2)].

HACSB Policy

The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

**As the first step in updating an application for the Housing Choice Voucher Program,**

~~To update the waiting list,~~ HACSB will send an update request via first class mail to ~~each family~~ **a selected number of families according to date of application** on the waiting list to determine whether the family continues to be interested in, and **to update preferences** for ~~qualify~~, the program. This update request will be sent to the last address that HACSB has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person or by mail. Responses should be postmarked or received by the HACSB not later than ~~15 business~~ **14 calendar** days from the date of the HACSB letter.

If the family fails to respond within ~~15 business~~ **14 calendar** days, the family will be removed from the waiting list without further notice.

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If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have ~~15 business~~ **14 calendar** days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

When a family is removed from the waiting list during the update process for failure to respond, no informal review will be offered. Such failures to act on the part of the applicant prevent the HACSB from making an eligibility determination; therefore no informal review is required.

If a family is removed from the waiting list for failure to respond, the Assisted Housing **Manager** ~~Director~~ or designee may reinstate the family if s/he determines the lack of response was due to HACSB error, or to circumstances beyond the family's control.

### **Removal from the Waiting List**

#### HACSB Policy

HACSB will remove applicants from the waiting list if they have requested in writing that their name be removed. In such cases no informal review is required.

**If the family fails to respond within the time frame indicated on any letter sent during the application, update or eligibility process, the family will be removed from the waiting list without further notice. In such cases no informal review is required.**

If the HACSB determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list, the family will be removed from the waiting list.

If a family is removed from the waiting list because the HACSB has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding HACSB's decision. (see Chapter 16) [24 CFR 982.201(f)].

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**PART III: SELECTION FOR HCV ASSISTANCE**

**4-III.C. SELECTION METHOD**

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

**Local Preferences [24 CFR 982.207; HCV p. 4-16]**

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

HACSB Policy

HACSB will select families from the waiting list as follows:

1. Families who are permanently displaced due to local (within HACSB's jurisdiction) government action will be selected first from the waiting list.
2. Families of federally declared disasters who are Section 8 voucher holders or public housing residents in another jurisdiction will be selected second from the waiting list.
3. Families that have been terminated from HACSB's HCV program due to insufficient funding will be selected third from the waiting list.

After families identified above are selected from the waiting list, HACSB will select families based on the total number of points families receive when the following preferences are applied. Families with the highest number of points will be selected first. Among families with equal points, families with the earliest date and time of application will be selected first. A family can earn no more than a maximum of 3 points.

Applicant families consisting of one individual who is elderly or disabled in the HACSB's jurisdiction will be given a selection priority over all "other Single" applicants.

One (1) point will be given to a family that is:

- An Elderly Family (head of household, spouse, or co-head is 62 years of age or older); or,
- A family that contains a disabled family member; or,
- A family whose head of household is a U.S. Veteran (unless they received a dishonorable discharge); or,
- A family whose head of household is a surviving spouse of a Veteran; or

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- A family with ~~minor children~~ **two or more members in the household**

**Maximum Number of Local Preferences**

The HACSB may elect to limit the maximum number of certain local preferences as identified on the following table:

**Local Preference Limitations for Set-a-side Vouchers**

Type of Local Preference	Maximum Number of Families
Homelessness	28
Family Unification Program (FUP)	<del>15</del> <b>12</b>
Farm Worker Housing	5
Aged-Out Foster Youth	3

**Chapter 5**

**BRIEFINGS AND VOUCHER ISSUANCE**

**5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [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.
- 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.

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- 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.

HACSB Policy

HACSB will assign one bedroom for each two persons within the household regardless of age, gender identity, or relationship perceived sexual orientation except in the following circumstances:

Single head of household with a least one minor child will be allocated a two bedroom.

Live-in aides will be allocated a separate bedroom.

Single person families that are not elderly or disabled will be allocated ~~one~~ zero bedrooms.

Families consisting of two adult members with no minor children that are not elderly or disabled will be allocated zero bedrooms unless the family consists of a parent head of household and child of majority age. In such an instance, a one bedroom shall be allocated.

Sleeping areas include but are not limited to bedrooms, living room, den and family room.

HACSB will reference the following chart in determining the appropriate voucher size for a family:

<b>Voucher Size</b>	<b>Persons in Household</b> (Minimum – Maximum)
<u>0 Bedroom (Studio)</u>	<u>1-2</u>
1 Bedroom	1- <del>2</del> <u>4</u>
2 Bedrooms	<del>2</del> <u>3</u> - <del>4</del> <u>6</u>
3 Bedrooms	5- <del>6</del> <u>8</u>
4 Bedrooms	7- <del>8</del> <u>10</u>
5 Bedrooms	9- <del>10</del> <u>12</u>



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**Chapter 7**

**VERIFICATION**

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2010-19]

**7-II.E. VERIFICATION OF STUDENT STATUS**

**General Requirements**

HACSB Policy

The HACSB requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or cohead, or

The family claims a child care deduction to enable a family member to further his or her education.

A full-time student is one carrying a full time subject load (as defined by the institution) at an institution with a degree or certificate program. The HACSB requires verification of enrollment and completion of classes to receive and maintain a full-time student status from the Admissions or Registrar's Office or dean, counselor, advisor, etc. or from a VA Office.

**Chapter 9**

**GENERAL LEASING POLICIES**

**9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]**

After the family is issued a voucher, the family must locate an eligible unit, with an owner or landlord willing to participate in the voucher program. Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the owner and the family must request the PHA to approve the assisted tenancy in the selected unit.

The owner and the family must submit two documents to the PHA:

- Completed Request for Tenancy Approval (RTA) – Form HUD-52517
- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A

The RTA contains important information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the

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rent, and the requested beginning date of the lease, necessary for the PHA to determine whether to approve the assisted tenancy in this unit.

Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.

Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

Both the RTA and the proposed lease must be submitted no later than the expiration date stated on the voucher. [HCV GB p.8-15].

#### HACSB Policy

The RTA must be signed by both the family and the owner.

The owner may submit the RTA on behalf of the family.

Completed RTA (including the proposed dwelling lease and family's rental application) must be submitted as hard copies, in-person, by mail, or by fax.

The family may not submit, and the HACSB will not process, more than one (1) RTA at a time.

When the family submits the RTA the HACSB will review the RTA for completeness.

If the RTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RTA, the HACSB will notify the family and the owner of the deficiencies.

Missing information and/or missing documents will only be accepted as hard copies, in-person, by mail, or by fax. HACSB will not accept missing information over the phone.

When the family submits the RTA and proposed lease, HACSB will also review the terms of the RTA for consistency with the terms of the proposed lease.

If the terms of the RTA are not consistent with the terms of the proposed lease, HACSB will notify the family and the owner of the discrepancies.

Corrections to the terms of the RTA and/or the proposed lease will only be accepted as hard copies, in-person, by mail or by fax. HACSB will not accept corrections by phone.

**When the family submits the RTA and proposed lease, the HACSB must provide the owner with the family's current and prior address (as shown in the HACSB records); and the name and address (if known to the HACSB) of the landlord at the family's current and prior address.**

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The HACSB may provide additional screening information in the HACSB's possession about the family to the owner, upon request. Additional information will pertain to the tenancy history of family members, including but not limited to:

- Any record of late or unpaid rental payment documented in the client file, including 3 day notices to pay rent or quit.
- Any record of damage above "normal" wear and tear documented in the file by housing inspector or verification submitted by the owner. Including photographs.
- Any record of unlawful detainer or evictions notices for lease violations documented in the file
- Any information pertaining to the current or previous tenancy as it relates to lease or tenancy addendum compliance

The HACSB will offer any record pertaining to drug trafficking by members to owners upon request.

Because of the time sensitive nature of the tenancy approval process, HACSB will attempt to communicate with the owner and family by phone, fax, or email. HACSB will use mail when the parties can't be reached by phone, fax, or email.

The HACSB will give the same types of information to all families and to all owners.

## Chapter 10

### MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

#### Restrictions on Elective Moves [24 CFR 982.314(c)]

HUD regulations permit the PHA to prohibit any elective move by a participant family during the family's initial lease term. They also permit the PHA to prohibit more than one elective move by a participant family during any 12-month period.

#### HACSB Policy

HACSB will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within the HACSB's jurisdiction or outside it under portability.

HACSB will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in HACSB's jurisdiction.

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~~HACSB will also deny a family permission to make an elective move if not current on any repayment agreement.~~

**HACSB will deny permission to move if:**

- **There is not sufficient funding for continued assistance; or**
- **The HACSB has grounds for denial or termination of assistance pursuant to 24 C.F.R. 982.552**

HACSB will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, HACSB will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

## Chapter 11

### REEXAMINATIONS

#### PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

##### 11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

###### New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

When any new family member is added, the PHA must conduct a reexamination to determine any new income or deductions associated with the additional family member and to make appropriate adjustments in the family share of the rent and the HAP payment [24 CFR 982.516(e)].

If a change in family size causes a violation of Housing Quality Standards (HQS) space standards (see Chapter 8), the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the family's HAP contract in accordance with its terms [24 CFR 982.403].

###### HACSB Policy

Families must request HACSB approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in

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the unit for more than 14 cumulative days within a 12-month period and therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by HACSB prior to the individual moving into the unit.

~~With the exception of children who join the household as a result of birth, adoption, or court-awarded custody of a child, the HACSB will not approve the addition of a new household member if it will cause an increase in subsidy standard.~~

HACSB will review requests to add additional family member(s) to the household on a case-by-case basis. Approval may be denied where additional family member(s) would increase the subsidy standard and the HACSB would have insufficient funding to approve the move, transfer, or issuance of a new voucher to provide for the additional family member(s).

HACSB will not approve the addition of a new family or household member unless the individual meets HACSB’s eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II).

HACSB will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards.

If HACSB determines an individual meets HACSB’s eligibility criteria and documentation requirements, HACSB will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued a voucher and will be required to move.

If HACSB determines that an individual does not meet HACSB’s eligibility criteria or documentation requirements, HACSB will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

HACSB will make its determination within 10 business days of receiving all information required to verify the individual’s eligibility.

## **11-II.C. CHANGES AFFECTING INCOME OR EXPENSES**

### **Family-Initiated Interim Reexaminations**

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 982.516(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)].

### ***Required Reporting***

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HUD regulations give the PHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

HACSB Policy

Families are required to report all increases in earned income, including new employment within 10 business days of the date the change takes effect.

HACSB will only conduct interim reexaminations **for increases in income**. ~~for families that qualify for the earned income disallowance (EID), and only when the EID family's share of rent will change as a result of the increase. In all other cases, HACSB will note the information in the tenant file, but will not conduct an interim reexamination.~~

~~Families are not required to report any other changes in income or expenses.~~

***Optional Reporting***

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)]. The PHA must process the request if the family reports a change that will result in a reduced family income [HCV GB, p. 12-9].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

HACSB Policy

~~If a family reports a change that it was not required to report and that would result in an increase in the family share of the rent, HACSB will note the information in the tenant file, but will not conduct an interim reexamination~~ **for increases in income.**

If a family reports a change that it was not required to report and that would result in a decrease in the family share of rent, HACSB will conduct an interim reexamination. See Section 11-II.D. for effective dates.

Families may report changes in income or expenses at any time.

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**11-II.D. PROCESSING THE INTERIM REEXAMINATION**

**Method of Reporting**

HACSB Policy

The family **must** may notify HACSB of changes ~~either orally or in writing. If the family provides oral notice, HACSB may also require the family to submit the changes in writing.~~

Generally, the family will not be required to attend an interview for an interim reexamination. However, if HACSB determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, HACSB will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from HACSB. This time frame may be extended for good cause with HACSB approval. HACSB will accept required documentation by mail, by fax, or in person.

**Chapter 15**

**SPECIAL HOUSING TYPES**

[24 CFR 982 Subpart M]

**PART IV: SHARED HOUSING**

[24 CFR 982.615 through 982.618]

**15-IV.A. OVERVIEW**

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family.

An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons. The owner of a shared housing unit may reside in the unit, but housing assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.

If approved by the PHA, a live-in aide may reside with the family to care for a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

HACSB Policy

HACSB approves Shared Housing for use only by elderly persons or persons with disabilities.