To: AHA Board of Housing Commissioners

From: Thea Guerin, Deputy Director

Date: July 21, 2021

Re: Executive Communication 2021-01 Request for Approval to Implement the AHA Emergency Housing Voucher Program in accordance with HUD Program requirements.

AHA Emergency Housing Voucher Program:
AHA was awarded 68 Emergency Housing vouchers by HUD as the result of the American Rescue Plan Act of 2021 (P.L. 117-2, hereafter referred to in this notice as "the ARP") which was signed into law on March 11, 2021. Section 3202 of the ARP appropriates $5 billion for new incremental EHVs, the renewal of those EHVs, and fees for the cost of administering the EHVs and other eligible expenses defined by notice to prevent, prepare, and respond to coronavirus to facilitate the leasing of the emergency vouchers, such as security deposit assistance and other costs related to retention and support of participating owners

With these 68 emergency housing vouchers, AHA will work in partnership with Albuquerque's Continuum of Care (CoC) entity to house (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. "Individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking" and/or" individuals who are experiencing homelessness" will receive preference for these vouchers. Individuals and/or families wishing to participate in the AHA Emergency Housing Program (EHV) will be directed to contact the CoC who will determine if applicants fall into one of the eligible population categories. The CoC will refer eligible individuals and families to the AHA to issue the emergency housing voucher.

AHA has completed an MOU with the CoC and is planning on accepting referrals from the CoC as of August 1, 2021.

EHV Eligible Fees		
Category	Effective Date	Fee Amount
Preliminary Fee	6/1/2021	*$400 x Unit Allocation Accepted*
Placement/Issuance Reporting Fee[1]	After Reporting Received by HUD[1]	*$500 for HAP contracts in place by 11/1/21;* *$250 for HAP contracts in place by 1/1/22;* $100 for each voucher leased provided PHA reported the EHV issuance date in PICNG within the qualifying time period.
On-going Administrative Fee[2]	7/1/2021	*Column A Admin Fee Rate x Unit Allocation Accepted*
Service Fee[3]	6/1/2021	*$3,500 x Unit Allocation Accepted* These funds will be used for security deposits, rent deposits, renter's insurance, and/or holding fees.

1. The fee is dependent upon the timeframe in which an EHV family is placed under a HAP contract. $500 for each EHV family placed under a HAP contract that is in place no later than four months from the award date (11/1/21), $250 for each EHV family under a HAP contract that is in place no later than six months from the award effective date (1/1/22). An additional $100 will be provided if the PHA reports or

reported the voucher issuance date for a leased voucher in the forthcoming PIC-NG system within 14 days of the later of the voucher issuance date or when PIC-NG system becomes available for reporting. This Issuance Fee can be earned at any time that the voucher is placed under lease, regardless of whether the leased voucher also qualified for the $500 or $250 component of the fee. Initially HUD will provide these fees based on information reported in VMS with the exception of the $100 issuance fee. HUD will collect issuance data in PICNG, once the system is in place later in 2021.

2. PHAs will receive the full Column A administrative fee amount for each EHV that is under HAP contract as of the first day of each month and reported in VMS. PHAs will receive an initial advance for the first 3 months as per Notice PIH 2021-15 (HA).
3. One-time fee will be provided for every unit allocation accepted.

Policy Revisions to Section 8 Administrative Plan:
In PIH Notice 2021-15 HUD sets forth the operating requirements for the EHVs, including the administrative fees and fees for other eligible expenses; the housing assistance payments (HAP) funding renewal process; family eligibility requirements; EHV waivers, alternative requirements, and special rules, including a requirement that families are offered housing search assistance and that PHAs partner with the Continuum of Care (CoC) or other homeless or victim services providers to assist qualifying families through a direct referral process; the EHV recapture and redistribution procedures, and the prohibition on the reissuance of turnover EHVs after September 30, 2023. Based on this Notice, AHA is required to make revisions to its FY2022 Section 8 Administrative Plan and to have the revisions approved by the AHA Board of Housing Commissioners.

HUD has provided a waiver to Public Housing Authorities (PHAs) to begin implementing the EHV Program without first getting approval of the Section 8 Administrative Plan revisions so that PHAs can begin addressing the current housing crisis. However, revisions to the Section 8 Administrative Plan do need to be approved by the AHA Board of Housing Commissioners by September 30, 2021. Below are all the proposed revisions to the Section 8 Administrative Plan per the HUD operating requirements for the Emergency Housing Voucher Program set forth in PIH Notice 2021-15.

3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)] p. 65

EHV Program policy: AHA will not deny assistance to a household regardless of whether any member of the family has been evicted from federally assisted housing Program; or has ever terminated assistance under the program for any member of the family; or whether the AHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity; or if the family would otherwise be prohibited admission under alcohol abuse standards established by the AHA in accordance with §982.553(a)(3).

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE CRIMINAL ACTIVITY [24 CFR 982.553], p. 67

EHV Program policy: If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the previous 12 months the family may be denied assistance.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE Previous Behavior in Assisted Housing [24 CFR 982.552(c)] p.69

EHV Program policy: AHA may deny assistance to an applicant family if: The family does not provide information that the AHA or HUD determines is necessary in the administration of the program; The family does not provide complete and true information to the AHA; A family member has engaged in or threatened violent or abusive behavior toward AHA personnel; Abusive or violent behavior towards AHA personnel includes verbal, written as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

4-I.B. APPLYING FOR ASSISTANCE p.84

EHV Program policy: Applicants for the EHV Program will only be accepted through a direct referral process with Albuquerque's Continuum of Care (CoC) entity. AHA will notify the Public and households on the HCV waitlist of the opportunity to be referred to the EHV Program by placing a notice on the AHA website informing the Public and HCV waitlisted housed on:

- What populations are eligible to receive EHV assistance
- How to obtain a referral to the EHV Program from the CoC
- Contact information if they have any questions about the EHV admission process

4-I.D. PLACEMENT ON THE WAITING LIST p.86

EHV Program policy: AHA will receive applicants for the EHV Program through a referral system implemented by the Albuquerque's Continuum of Care (CoC) entity. There are two populations that are eligible for Emergency Housing Vouchers: 1) Individuals or families fleeing, or attempting to flee, domestic violence, dating violence, sexual assault; and 2) Homeless individuals and/or families. Placement on the EHV waitlist will be handled on a first come first serve basis unless the Authority receives referrals for both populations at the same time. In those instances the Authority will give preference to households "fleeing, or attempting to flee, domestic violence, dating violence, sexual assault".

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205] p.87

EHV Program policy: AHA will maintain a separate waiting list for the Emergency Housing Voucher (EHV) Program.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206] CLOSING THE WAITING LIST p.89

EHV Program policy: The AHA will stop accepting referrals to the EHV Program once the number of households on the waitlist equals the total number of Emergency Housing vouchers allocated to the AHA for any given Program year. AHA will continue working off the waitlist until all applicants on the waitlist have been completed the AHA intake process.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206] REOPENING THE WAITING LIST p.90

EHV Program policy: AHA will post a notice on the AHA website notifying the public and households on the HCV waiting list of the intention to resume accepting referrals for the EHV Program. The Notice will be posted at least 10 prior to accepting referrals.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204] p.92

EHV Program policy: AHA will work off its waitlist until all referred applicants have completed the AHA intake process. After all applicants on the waiting list have completed the intake process, AHA reopen the referral process.

4-III.B. SELECTION AND HCV FUNDING SOURCES p.95

EHV Program policy: These vouchers are being used to (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. Preference will be given to "individuals and/or families fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking" and "homeless" populations.

4-III.C. SELECTION METHOD LOCAL PREFERENCES [24 CFR 982.207; HCV p. 4-16] p.95

*Highlighted areas in the section below indicate new language that has been added to this policy. It was decided to revise this policy on local preferences to include the EHV vouchers and the populations that will be served by the EHV Program. The previous policy was to strive to house 125 "individuals or families in transitional, rapid rehousing or permanent supportive housing programs". Because of current Market conditions and an overall lack of affordable housing units, staff did not think it would be sustainable to try and house 125 homeless households from supportive housing programs and in addition try and house 68 households through the Emergency Housing Voucher Program. Therefore after discussions with the CoC and the City of Albuquerque it was decided that the 68 emergency housing vouchers assigned to AHA would count towards the original 125 voucher target. Therefore the proposed policy still keeps a target of 125 households being housed but that number is split between the HCV homeless preference pool (homeless populations in supportive housing programs) and the homeless populations being served by the EHV Program.

SECOND PREFERENCE (POOL): AHA will strive to offer 125 vouchers per calendar year to participants the following populations:

- EHV Program eligible population: homeless; at risk of homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. A preference will be given to individuals or families fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking and/or individuals or families who are homeless.
- Individuals or families in transitional, rapid rehousing or permanent supportive housing programs that meet the following criteria will be eligible for this preference:
  (1) The supportive housing program serves people experiencing homelessness
  (2) The supportive housing program is located in the Albuquerque Housing Authority's (AHA) service area
  (3) The supportive housing program is willing to provide a letter to AHA verifying the resident is a participant and is willing to assist the applicant with the Housing Choice Voucher Program application process
  (4) If possible, the supportive housing program will make a good faith effort to provide or provide linkages to case management or comprehensive community support services to the participant for at least 3 months after the participant enters the Housing Choice Voucher Program
  (5) At least 20% of the supportive housing program budget comes from local, state or federal government funding.

Of the 125 vouchers targeted to these populations 68 of these vouchers will be Emergency Housing vouchers used to serve individuals or families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability A preference will be given to individuals or families fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking and/or individuals or families who are homeless.

Separate waitlists will be set up and maintained as follows:

- EHV Program applicants will be maintained as a separate waitlist that will give preference to individuals or families fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking and/or individuals or families experiencing homelessness will have a separate waitlist.
- Eligible individuals or families in transitional, rapid rehousing or permanent supportive housing programs will have a separate waitlist

There will only be one lottery draw to set up the waiting list for "individuals or families in transitional, rapid rehousing or permanent supportive housing programs" per year. AHA will use present utilization data to make a selection from this supportive housing pre-application pool that best positions it to issue 57 vouchers to this population preference group.

4-III.C. SELECTION METHOD LOCAL PREFERENCES [24 CFR 982.207; HCV p. 4-16] INCOME TARGETING REQUIREMENT [24 CFR 982.201(b)(2)] p.97

EHV Program policy: Referrals will be placed on the EHV waitlist in the order that they are received. In any instance where referrals are received for "individuals or families fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking" and "individuals or families experiencing homelessness" at the same time, a preference will be given to "individuals or families fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking".

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS HUD'S VERIFICATION HIERARCHY [Notice PIH - 2018-18] p.165

EHV Program policy: HUD is waiving the third-party income verification requirements for EHV applicants and, alternatively, allowing AHA to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS HUD'S VERIFICATION REQUIREMENTS FOR ACCEPTABLE DOCUMENTS P. 166

EHV Program policy: HUD is waiving the third-party income verification requirements for EHV applicants and, alternatively, allowing AHA to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the AHA's request.

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION p. 167

EHV Program policy: Applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request

If the AHA determines that third-party documents provided by the family are not acceptable, the AHA will explain the reason to the family and request additional documentation.

As verification of earned income, the AHA will require the family to provide the two most current, consecutive pay stubs if the family member is paid bi-weekly. Four such paystubs are required if a family member is paid weekly. At the PHA's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), the PHA may request additional paystubs or a payroll record.

7-I.E. SELF-CERTIFICATION p. 172

EHV Program policy: HUD is waiving the third-party income verification requirements for EHV applicants and, alternatively, allowing AHA to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally,

applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the AHA's request

The self-certification must be made in a format acceptable to the AHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of an AHA representative, CoC or Notary of the Public.

7-II.B. SOCIAL SECURITY NUMBERS p. 175

EHV Program policy: AHA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the AHA within 180 days of Admission.

9-I.E. LEASE AND TENANCY ADDENDUM Term of Assisted Tenancy p. 220

EHV Program policy: The initial lease term for an EHV family may be less than 12 months.

10-I.B. RESTRICTIONS ON MOVES Restrictions on Elective Moves [24 CFR 982.354(c)] p. 228

EHV Program policy: HUD is waiving section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and § 982.353(c). AHA may not restrict an EHV family from exercising portability because they are a non-resident applicant.

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES 16-II.A. OVERVIEW p. 316

EHV Program policy: HUD is waiving § 982.503(a)(3) and establishing an alternative requirement permitting AHA to establish separate higher payment standards for the EHVs in order to increase the potential pool of available units for EHV families. The separate EHV payment standard must comply with all other HCV requirements under § 983.503 with the exception of the waivers of § 982.503(b)(i) and § 982.503(b)(iii). In addition, HUD is waiving § 982.503(b)(1)(i) and establishing an alternative requirement to allow the AHA to establish a payment standard amount for a unit size at any level between 90 percent and 120 percent (as opposed to 110 percent) of the published FMR for that unit size. HUD approval is not required to establish an EHV payment standard within that range.

16-II.B. PAYMENT STANDARDS Exception Payment Standards [982.503(c)(5), Notice PIH 2018-01] p. 319

EHV Program policy: HUD is waiving § 982.503(b)(1)(i) and establishing an alternative requirement to allow the AHA to establish a payment standard amount for a unit size at any level between 90 percent and 120 percent (as opposed to 110 percent) of the published FMR for that unit size. HUD approval is not required to establish an EHV payment standard within that range. AHA will still request approval for exception EHV payment standards above 120% of the applicable FMR/SAFMR from HUD in accordance with § 982.503(b)(1)(iv) or § 982.503(c) if needed.

Staff Recommendation:

Request board approval to implement an Emergency Housing Voucher Program in accordance with HUD Program requirements.

By voting to formally approve receipt of this Executive Communication, the **AHA BOARD OF HOUSING COMMISSIONERS**, the governing body of the AHA does:

1. Approve AHA staff to implement an Emergency Housing Voucher (EHV) Program subject to compliance with all applicable HUD requirements.

2. Authorize the Executive Director, or a designee appointed by the Executive Director, to execute the HAP contracts for the EHV Program.

PASSED and ADOPTED this 21st day of July 2021.
BY A VOTE OF 5 FOR, AND 0 AGAINST.

Members Absent: _____
Members voting against: _____

ALBUQUERQUE HOUSING AUTHORITY
BOARD OF HOUSING COMMISSIONERS

By: /s Rebecca Robinson
Rebecca Robinson, Chairperson of the Board

ATTEST:

/s Linda Bridge
Linda Bridge, Secretary to the Board and Executive Director