# PHA 101: A Guide for CoC's
## *Understanding PHA Programs and Policies*

August 26, 2013

# Goals of Session

- Understand core functions of Public Housing Authorities (PHAs)
- Know how key programs work
- Understand PHA policies relevant to homelessness
- Identify opportunities for partnerships

# Overview of Public Housing Agencies

# PHA Overview

- A PHA is any state, county, municipality, or other governmental entity or public body authorized under State law to administer a housing or rental assistance program.

- PHAs receive funding from HUD with the goal of providing safe, decent, and affordable housing to low-income households.

- There are over 4,000 PHAs across the country; collectively they administer over 1.2 million public housing units and 2.1 million tenant-based housing vouchers.

- Each PHA reports to a Board of Commissioners, which are appointed by local governments (e.g. city councils or mayors).

# Types of PHAs

- Public Housing Only PHAs
- Section 8 HCV Only PHAs
- Combined PHAs (Administer both Section 8 and Public Housing)
- MTW PHAs
  - 39 PHAs are currently designated as MTWs: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw/mtwsites
    - MTW is a demonstration program for PHAs that provides them the opportunity to design and test innovative, locally-designed strategies that use Federal dollars more efficiently, help residents find employment and become self-sufficient, and increase housing choices for low-income households.
    - PHAs designated as MTW are allowed certain regulatory and fiscal flexibilities in how they administer their programs.

# Programs Administered by PHAs

- PHAs may administer--
  - HUD-funded housing programs, including:
    - Public Housing
    - Housing Choice Vouchers (HCV), including PBV
    - Housing Opportunities for Persons with AIDS (HOPWA)
    - Grants awarded for community revitalization, supportive services
  - State or local government funded housing programs

- Not all PHAs administer all programs
  - Contact the PHA to learn about the programs they administer.
    http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/contacts

# PHA Overview

- PHA responsibilities include:
  - Manage waiting lists;
  - Determine an applicant's eligibility for the program;
  - Ensure housing is safe, decent, and sanitary;
  - Calculate a participant's income and rent;
  - Conduct program termination or eviction actions

# PHA Administrative Plan and ACOP

- The PHA Administrative Plan (Admin Plan) and the Admissions and Continued Occupancy (ACOP) Plan describe the PHA's discretionary policies for administering its programs.  Topics covered in the Admin Plan and ACOP include:
  - Administration of the waiting list, participant selection, preferences, grievances

- Policies for administering the PHA's Section 8 HCV program are found in the PHA's Admin Plan.

- Policies for administering the PHA's PH program are found in the PHA's ACOP.

# Overview the Public Housing & Housing Choice Voucher Programs

Section I – Public Housing 101
Section II – HCV 101

# Program Descriptions: PH and HCV

| Public Housing | Section 8 Housing Choice Voucher |
|---|---|

**Public Housing**

- Project-based rental assistance
- Participants reside in physical units owned and often operated by PHAs
- Range of housing types, e.g.:
  - Large developments
  - Garden style apartments
  - Scattered site single units

**Section 8 Housing Choice Voucher**

- Tenant-based rental assistance
- Participants are free to choose suitable dwelling units that meet program requirements and their housing needs in the private market
- Participants may exercise portability or move with the PHA's jurisdiction

# Public Housing 101: How does it work?

- **General Process**
  - Applicants apply and are placed on waiting list
    - Waiting list can be for a particular site or PHA-wide
  - PHA determines eligibility and screens applicants for suitability of tenancy.
  - Accepted applicants are offered a unit and sign lease with PHA
  - PHA maintains housing, periodically reviews tenant income, and ensures tenants abide by lease terms
  - Tenants pay rent (typically 30% of income) and abide by the PHA's lease terms

# HCV 101: How does it work?

General Process:

1.  A household applies to the PHA's waiting list.
2.  The PHA selects the household from its waiting list and determines the household's eligibility for the program (e.g., income, criminal history).
3.  The PHA briefs the household about the program and issues the household a voucher to begin searching for a suitable unit.
4.  The household finds a unit. The PHA approves the unit **if** it passes a housing quality standards (HQS) inspection and the rent is determined reasonable.  PHA calculates the housing assistance payment (HAP) and household's share towards rent.
5.  The PHA executes the HAP contract with the landlord.  The household and landlord execute a lease agreement. **The PHA nor HUD is a party to the lease**.  The household moves-in.
6.  At least annually, the unit must be inspected (HQS) and the household's composition and income are reexamined.

# Relevant PHA Program Policies

Section I – Preference Basics

Section II – Admissions Basics

Section III – Evictions & Termination Basics

# Preferences Basics: PH & HCV

- Preferences (24 CFR 982.207 for HCV; 24 CFR 960.206 for PH)
  - Each PHA may establish a local system of preferences for selection for households to be admitted to the program.  In establishing a local preference, a PHA must determine whether and to what extent a preference is needed based on local housing needs and priorities.
  - A preference allows an applicant to move ahead of other applicants on the waiting list.  A PHA must verify that the applicant qualifies for a preference.
  - Preferences can include broad or narrow preferences for the homeless
- PHAs must use generally accepted data sources like:
  - The Community Plan to End Homelessness; Consolidated Plan
  - Point in Time (PIT) count data
  - Homeless Management Information System (HMIS) data
  - Census Data

# Admissions Basics: PH & HCV

- Applicants must be selected for admission from a PHA's waiting list.
- PHA must determine income eligibility and verify income.
  - An applicant's income may not be more than 80% of the Area Median Income

    (24 CFR 960.201for PH; 24 CFR 982.201(b) for HCV)

- If an applicant selects a preference, the PHA must verify that the applicant qualifies for the preference.

# Admissions Basics: PH & HCV

- Federal rules prohibit admission to federally assisted housing for:
  - Lifetime sex offender registrants

    (24 CFR 960.204(a)(4) for PH; 24 CFR 982.553(a)(2)(i) for HCV)

  - Households ever convicted of methamphetamine production in federally assisted housing

    (24 CFR 960.204(a)(3) for PH; 24 CFR 982.553(a)(1)(ii)(C) for HCV)

  - Households with a member who currently engages in illegal drug use or threatening activity

    (24 CFR 960.204(a)(2) for PH; 24 CFR 982.553(a) for HCV)

# Admissions Basics: PH & HCV

- Federal rules prohibit admission to federally assisted housing for:
  - Households evicted from federally assisted housing for drug-related crime within last 3 years (24 CFR 960.204(a)(1) for PH; 24 CFR 982.553(a)(1)(i) for HCV)
    - The PHA may admit the household if the household member successfully completed a supervised drug rehabilitation program approved by the PHA, or if circumstances leading to the eviction no longer exist (e.g., culpable household member is no longer in the household)

# Admissions Basics:  HCV Only

- PHAs are not required to screen applicants for suitability for tenancy.
- Landlords/owners are responsible for screening and selecting the household to occupy the unit. Landlords may consider the following factors for screening (24 CFR 982.307) :
  - Credit history, tenancy or rental history
  - Caring for a unit and premises

# Eviction & Termination Basics: PH Only

- PHAs are only required by federal law or rule to evict/terminate in limited instances (24 C.F.R. § 966.4(l))
- PHAs set discretionary policies
  - May terminate/evict for serious or repeated violations of the terms of the lease, being over income, or other good cause (24 C.F.R. § 966.4(l)(2))
  - Policies apply to all tenants
  - May consider individual circumstances (24 C.F.R. 960.203(a) for PH)

# Eviction & Termination Basics: PH Only

- **Eviction Process for Public Housing**
  - PHA provides tenant with written notice of lease termination (24 CFR 966.4(k)(2))
    - 14 days for failure to pay rent
    - 30 days or shorter reasonable period of time considering seriousness

  - Grievance procedure (24 CFR 966.50 – 966.57)
    - Tenant has right to grievance except in certain cases of criminal activity where court hearing is held instead
    - Tenant must file grievance, contesting eviction
    - Hearing is held and decision is made by third party panel
    - Tenant rights include right to review documents in advance, right to representation

# Termination and Denial of Assistance Basics: HCV Only

- A PHA must terminate or deny assistance in limited instances.
- A PHA's authority to terminate or deny assistance is described in the HCV program regulations, 24 CFR 982.552-553.

☐ Consideration of Circumstances (24 CFR 982.552(c)(2)

# Termination and Denial of Assistance:  HCV Only

- HCV Applicants may be denied assistance
- HCV Participants may have assistance terminated
- Denial or Termination of assistance may include:
  - Denying listing on the PHA waiting list
  - Refusing to enter into a HAP contract
  - Terminating housing assistance payments
- Hearing procedures:
  - Applicants may request an informal review of certain determinations (24 CFR 982.554)
  - Participants may request an informal hearing of certain determinations (24 CFR 982.555)

# Owner Termination of Tenancy: HCV Only

- Landlords/owners may evict or terminate an HCV participant's tenancy for:
  - Serious or repeated violation of the lease;
  - Violations of federal, state, or local law that impose obligations on the tenant in connection with the occupancy or use of the premises;
  - Other good cause as described in the HCV regulations, 24 CFR 982.310(d).
- Landlords/owners must follow state and local laws that govern evictions, including notifying the tenant of the intent to evict and grounds for eviction.

# Partnering with PHAs

# Developing Partnerships

**Get to know your PHA.**

• Visit the PHA's website.
• Read the Admin Plan or ACOP.
• Contact the PHA(s) in your area.

**Begin the dialogue.**

• Identify each other's strengths and limitations.
• Identify the needs and "asks".
• Identify "win-win" opportunities.

**Work together to define the partnership**

• Define the goals of the partnership
• Define roles and responsibilities
• Maintain constant communication

# Potential Benefits of Partnering

## What might you ask for?

- Preferences
- Flexible in-take procedures
- Wait-list management
- Reduced screening criteria
- Review of termination policies

## What might your PHA Need?

- Good Utilization Rates
- Strong landlord relationships
- Reduced administrative burden
- Eviction prevention
- High score on NOFA applications

## What might you offer?

- Referrals
- Help with paperwork/briefings
- Housing Search Assistance
- Case management or supportive services for tenant
- Liaisons between PHA, tenants, and landlords
- Super-NOFA credentials

# Roles of PHA's Partners

- Help your PHA demonstrate local need to create a preference.

- Provide assistance with paperwork and briefings to expedite the process and alleviate administrative burden.

- Provide housing search assistance, including helping the family determine their housing needs.

- Establish a single point of contact for PHAs to call when someone's housing or subsidy is at risk.

- Assist PHAs in applying for special purpose vouchers when opportunities arise.

- Become an advocate for your PHA.

# Partnership in Practice: Tenant-based Vouchers

**What are you asking for?**

- Reduced screening criteria
- Flexible in-take procedures
- Preferences for chronically homeless households

**What does your PHA Need?**

- Good Utilization Rates
- Strong landlord relationships
- High score on NOFA applications

**What are you offering?**

- Help with paperwork/briefings
- Grant-writers
- Services for tenants and landlords
- Housing Search Assistance
- Super-NOFA credentials
- Advocacy (for what?)

# Public Housing

**What are you asking for?**
- Preferences (Set-asides)
- Preferences for homeless
- (Something else)

**What does your PHA Need?**
- Stable communities
- Services for senior & disabled tenants
- Eviction Prevention

**What are you offering?**
- On-site Activities
- Good will
- Advocacy
- Mental health services

# Thank you