

HOME Tenant-Based Rental Assistance (HTBRA) July 1, 2025



HOME Tenant-Based Rental Assistance Program Operations Manual

Contacts

Oregon Housing and Community Services
Homeless Services Section
(503) 986-2000

Published date: July 1, 2025

Table of Contents

Contacts	1
1. Program Summary.....	4
(A) Acceptance of Funds, OHCS Allocation Method	4
(B) Additional Resource Materials	5
2. Program Standards.....	5
3. Applicant Eligibility	5
(A) Income Eligibility	5
(B) Residency in Subgrantee’s Service Area	6
(C) Housing Choice Voucher Program (Section 8) Assistance	6
(D) Higher Education Students and the HOME Program	7
(E) Citizenship	8
(F) Eligibility Documentation	8
(G) Affirmative Marketing (24 CFR 92.351)	8
(H) Formerly Incarcerated People.....	9
4. Allowable Program Components and Expenditures.....	9
(A) Eligible Services	9
(B) Eligible Units.....	10
(C) Payment of Utility Deposits	10
(D) Payment of Security Deposits	10
(E) Security Deposit Only Programs	11
(F) Submitting Client Grant Information to OHCS.....	11
(G) Reimbursing Inspection Costs with Program Funds	12
(H) Ineligible Uses of HOME TBRA	12
5. General Program Requirements	13
(A) Tenant Selection Policy	13
(B) Using a Waiting List	14
(C) Applicant Intake	15
(D) Applicant Notification	15
(E) Briefing and Authorization	16
(F) Determining Income Qualification	16
(G) Occupancy Standards Policy -- How Many Bedrooms Does a Household Need?	19
(H) Property Standards and the National Standards for the Physical Inspection of Real Estate (NSPIRE).....	20
(I) Lead-Based Paint.....	22
(J) Rent Reasonableness	23
(K) Appendix (App) 3 and Request For Funds (RFF) Workbook	23
(L) Final Subsidy Calculation.....	24
(M) Limitations on Subsidy Amount	28
(N) Client Contract and Lease Agreement	28
(O) Lease and Contract Effective Dates	29
(P) Prohibited Lease Provisions	30
(Q) Self-Sufficiency Plans.....	31
(R) Termination of Assistance	31
(S) Moves.....	32

(T) Emergency Transfer Plan	33
6. Financial Management	38
(A) Administration.....	38
(B) Funds Rollover.....	39
7. Records Requirements	39
(A) Client Files	39
(B) Forms Available on OHCS Website.....	40
8. Appendices.....	41
(A) Appendix 1: Links to Applicable Rules and Regulations.....	42
(B) Appendix 2: Acronyms	44
(C) Appendix 3: Definitions.....	45
(D) Appendix 4: Lead-based Paint Routine Inspection Procedures.....	50
(E) Elevated Blood Lead Levels	52

NOTE: If a statute, rule, contract or guidance does not expressly prohibit an activity or expense, it does not mean that the activity or expense is allowable. Statutes, rules, contracts and guidance are meant to express how funds are intended to be used.

Contact OHCS for prior approval before using any OHCS funds for an activity or expense if it is not addressed in statute, rule, contract or guidance. Failure to do so may result in the disallowance of an activity or expense and may result in remedies afforded in contract. It is an incorrect assumption to believe that because language does not say you cannot do something, that it must mean you can. OHCS provides guidance around what is disallowed from frequently asked questions; however, this does not mean to encompass everything that is disallowed.

Contact OHCS for any questions on how to expend OHCS funds if what you want to do is not covered by statute, rule, contract or guidance prior to the use of funds

NOTE: Guidance in this manual is specific to the programs identified in this manual. Unless specifically stated, any other guidance from other manuals produced by OHCS does not apply to these programs and are not comparable or transferable.

1. Program Summary

The HOME TBRA Program provides rent assistance for multiple months to very low-income tenants to pay a portion of housing costs as well as a refundable security deposit and utility deposit/s, if needed. Eligible renters receive rent assistance for a unit of their own choosing, provided the unit meets basic program requirements. Assisted households can move from one rental property to another and continue to qualify for rent assistance. The level of rent subsidy is determined by factors that include the income of the household, the unit's rent and utility costs, and the rent standard for that unit structure. Participating households receive case management and may elect to complete a self-sufficiency program.

(A) Acceptance of Funds, OHCS Allocation Method

OHCS may enter into grant agreements with subgrantees to operate the HOME Tenant-Based Rental Assistance Program and provide eligible HOME TBRA services in such manner to provide holistic coverage statewide without duplication or overlap of services (ORS 456.555 (8)). In service areas where a Community Action Agency (CAA) exists, the CAA has the conditional right of first refusal to serve as the subgrantee for the given service area, and subgrantees may establish subrecipients to provide eligible HOME TBRA services in the subgrantee's service area.

OHCS, in its sole discretion, may allow organizations outside of the Community Action Agency (CAA) Network to operate the HOME TBRA program and provide eligible services with respect to that service area under the following conditions:

- The CAA for that service area refuses to accept HOME TBRA funding; or

- OHCS has determined that the CAA for that service area is unable or incapable of operating the HOME TBRA Program.

OHCS will create and make available the funding allocation formula to the amount of funding that each subgrantee will receive.

(B) Additional Resource Materials

There are four appendices at the back of this manual. They are:

- Appendix 1: Links to Applicable Rules and Regulations
- Appendix 2: Acronyms
- Appendix 3: Definitions
- Appendix 4: HOME TBRA Lead-Based Paint Routine Inspection Procedures, and

Responding to an EBLL Child in HOME TBRA Programs

Additionally, forms and instructional materials are available on the OHCS web site.

2. Program Standards

Subgrantee/subrecipients **must** adhere to all program standards as identified in the Homeless Services Section (HSS) Program Standards Guidance. **Failure to adhere to program standards will result in audit findings and may put subgrantee/subrecipient funding at risk.** The Program Standards Guidance includes requirements related to policies and procedures, along with general requirements for financial management of HSS grants, data requirements and records requirements. Program Standards apply to HTBRA and align across HSS programs. It is **critical** that subgrantee/subrecipients understand their responsibilities in ensuring that they are following all program and funding requirements. Inclusion of the Program Standards Guidance ensures that subgrantee/subrecipients and OHCS has a central location for the consistency of program standards across multiple programs. Find the Program Standards Guidance on the OHCS website at: <https://www.oregon.gov/ohcs/for-providers/Pages/index.aspx>.

3. Applicant Eligibility

(A) Income Eligibility

Subgrantees must ensure that at least 90 percent of households receiving HOME TBRA subsidies have annual incomes that do not exceed 60 percent of the median family income for the area (24 CFR 92.216(a)(1)). The remaining 10 percent of households can have incomes up to 80 percent of the median family income for the area (24 CFR 92.216(b)(1)).

HUD publishes its [area median income limits annually on its website](#). When calculating a prospective applicant's annual income for eligibility purposes,

subgrantees must use the income limits for the area in which the prospective applicant will live.

The income of a participating household must be verified and documented within six months before assistance is provided and must be re-examined at the time of the contract renewal, which can have a term of up to 24 months. Please see Section O: Lease and Contract Effective Dates, for more information. .

HUD publishes the area median income limits by household size on an annual basis . Current income limits can be obtained [from HUD's Office of Policy Development and Research](#). A link to the "Income & Rent Limits for HOME Projects" tables is provided in Appendix 1: **Applicable Rules and Regulations**.

(B) *Residency in Subgrantee's Service Area*

HUD does not require an applicant to live in the subgrantee's jurisdiction to receive services from the subgrantee (24 CFR 92.209(d)). However, practical limitations – such as the need to complete habitability inspections and ensuring adherence to local property standards – may require subgrantees to limit HTBRA participants to live within subgrantee's service area. Subgrantees requiring such limitations must have a written policy in place, subject to OHCS approval, which must address the following elements:

- The reason(s) for this policy;
- The subgrantee's position about potential applicants who do not currently live within subgrantee's jurisdiction but are wishing to move there; and
- The situation(s) in which the applicant works in the area or is seeking work in the area but currently resides out of the area.

Subgrantee will not establish a minimum length of residency requirement.

(C) *Housing Choice Voucher Program (Section 8) Assistance*

Participating in the HOME TBRA Program will not impact a participant's placement on any Housing Choice Voucher Program waiting list (24 CFR 92.209(l)). They also retain any tenant selection preference for which they qualified before HOME TBRA was provided (24 CFR 92.209(l)).

For example: A Housing Choice Voucher Program applicant who qualified for a tenant selection preference because the family was living in substandard housing would continue to qualify for this preference, even after moving to a standard unit and receiving HOME TBRA assistance. This policy enables households to receive assistance through HOME TBRA without jeopardizing their opportunity to receive Housing Choice Voucher Program assistance.

Housing Choice Voucher Program voucher and certificate holders cannot simultaneously receive HOME TBRA assistance because the two programs would

provide duplicated subsidies. HOME TBRA recipients who are offered a Housing Choice Voucher Program voucher or certificate must relinquish HOME TBRA rent assistance if they wish to accept the Housing Choice Voucher Program assistance. Similarly, a family currently receiving Housing Choice Voucher Program rental assistance must not accept HOME TBRA rent subsidy without relinquishing the Housing Choice Voucher Program assistance; however, a Housing Choice Voucher Program rental assistance recipient can receive HOME TBRA-funded refundable security deposit and utility deposit assistance.

If a Housing Choice Voucher Program voucher or certificate becomes available and the next eligible household on the Housing Choice Voucher Program waiting list is a HOME TBRA recipient, that household must be offered a Housing Choice Voucher Program voucher or certificate.

(D) *Higher Education Students and the HOME Program*

The HOME TBRA Program excludes certain students from receiving HOME TBRA assistance (24 CFR 92.2 “Low-income families” and 24 CFR 92.2 “Very low-income families”). According to the HOME Program, students meeting all of the criteria below are excluded from participating in this program and cannot directly receive Program assistance:

- Is enrolled in a higher education institution;
- Is under 24 years of age;
- Is not a veteran of the U.S. military;
- Is not married;
- Does not have any dependent children;
- Is not a person with disabilities; and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income.

If a student does not meet at least one of the criteria below, then they could be eligible to participate in the Program, provided that they meet all other Program requirements.

Example 1: An unmarried, 23-year-old college student who has never served in the military and has no disabilities may be eligible for the HOME TBRA Program if they have at least one dependent child and are otherwise eligible to participate in the Program.

Example 2: A single mother with one child wants to participate in the Program. This child is unmarried, is between the ages of 18-23 years old, is not a veteran, does not have any dependent children, does not have a disability, and is enrolled in higher education. As long as the household meets eligibility requirements for the Program, they would be eligible to participate.

Students who temporarily live away from home for school, such as in a dormitory, but generally return home between semesters or quarters, may be counted as part of a larger household, such as the household of their parent(s) or guardian(s).

Student status must be documented, either by self-declaration of non-student status on application, or with follow-up verification that student is eligible.

(E) *Citizenship*

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, also known as the Welfare Reform Act) prohibits the provision of non-exempted "federal public benefits" to a non-citizen who is not a "qualified non-citizen."

However, the Act allows a nonprofit charitable organization to choose to not determine, verify, or otherwise require proof that an applicant is a qualified non-citizen before providing benefits.

To be eligible for this exemption, an organization must be both "nonprofit" and "charitable."

(F) *Eligibility Documentation*

When determining if an applicant is eligible for HOME TBRA assistance, subgrantee must verify:

- Applicant's eligibility for subgrantee's tenant selection preferences (See [Tenant Selection Policy](#) for more information);
- Applicant's household size and composition;
- Applicant's annual income and adjusted income; and
- Applicant's student or non-student eligibility status.

Subgrantee must examine at least two months of source documentation (e.g. wage statements, interest statements, unemployment compensation) in order to determine household income (24 CFR 92.203(b)(2)).

See the HSS Program Standards Guidance for more information.

(G) *Affirmative Marketing (24 CFR 92.351)*

Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, age, gender, religion, familial status or disability (federal) or victims of domestic violence, marital status, sexual orientation, gender identity or source of income (state). Thought must be given to what method(s) of outreach will be used to ensure households who are least likely to apply will be informed of the opportunity to apply for assistance.

Subgrantees are required to develop a written Affirmative Marketing Procedure or Plan which addresses the following (24 CFR 92.351(a)(2)):

- Method(s) subgrantee will use to inform the public, landlords, and potential tenants about federal, state, and local fair housing laws;
- A description of subgrantee's marketing approach to reach eligible households least likely to apply;
- Where and for how long applications will be accepted;
- Hours during which applications can be submitted;
- Alternative options for completing applications for persons for whom submitting a written application to the subgrantee's location would be a barrier;
- The process subgrantee will use to maintain records of actions taken to affirmatively market the available assistance; and
- The process subgrantee will use to assess the effectiveness of subgrantee's current affirmative marketing procedure.

Subgrantee and subrecipient must document their compliance with affirmative marketing requirements.

(H) *Formerly Incarcerated People*

The HOME TBRA program does not have restrictions or exclusions for those with criminal histories. This allowance provides subgrantee with an alternative to the Housing Choice Voucher Program since the Housing Choice Voucher Program has eligibility restrictions for persons with specific types of criminal convictions.

4. Allowable Program Components and Expenditures

(A) *Eligible Services*

HTBRA has a single eligible OPUS category identified as Program, and the following services can be paid with HTBRA funds as part of this category (24 CFR 92.209(a)):

- Payment of all or part of monthly rent and utilities, including space rent for households living in manufactured home parks;
- Payment of utility deposits for tenants who will also be receiving HTBRA security deposit and/or rent assistance; and
- Payment of refundable security deposits, including security deposits for Housing Choice Voucher Program households, regardless of whether tenant will be receiving HTBRA rent assistance.
- Reimbursement of housing inspections. See the **Reimbursing Housing Inspection Costs with Program Funds** section for more information.

(B) *Eligible Units*

Households identify the housing unit of their choice. Eligible properties can be publicly or privately owned and must meet housing inspections standards prior to occupancy and annually thereafter (24 CFR 92.504(d)(1)(iii)).

If a unit receives a project-based rent subsidy through federal, state, or local programs, HTBRA assistance cannot be used if it would provide a duplicate subsidy; however, some rental assistance programs do not provide assistance in amounts sufficient to lower a tenant's rent payment to 30 percent of their adjusted income. In such cases, HTBRA could be provided as supplemental assistance to further reduce tenant's rent payment to 30 percent of their adjusted monthly income.

A unit developed or rehabilitated with HOME funding and has an affordable rent, but no rent subsidy, can be selected by tenant. However, the maximum rental assistance subsidy can only be the difference between the unit's assigned HOME rent and 30 percent of the household's adjusted monthly income.

(C) *Payment of Utility Deposits*

HOME TBRA cannot pay for utility deposits alone. However, the program can pay for utility deposits if they are in conjunction with a HTBRA security deposit or rent assistance payment (24 CFR 92.209(a)). Utility deposit assistance may be used only for utilities permitted under the Housing Choice Voucher Program utility allowance. This includes electric, gas, water, and garbage, but does not include internet, telephone, or cable.

Tenants may keep any utility deposit remaining at the time tenant departs the unit.

(D) *Payment of Security Deposits*

HTBRA can pay security deposits. The following requirements apply:

- The security deposit must meet the relevant state or local definition of "security deposit" in the jurisdiction where the unit is located (24 CFR 92.209(j)(2)). Security deposit is defined in ORS 90.100(42): "Security deposit means a refundable payment or deposit of money, however designated, the primary function of which is to secure the performance of a rental agreement or any part of a rental agreement. Security deposit does not include a fee."
 - Local jurisdictions may have supplemental definitions to security deposits. Subgrantees are responsible for ensuring that the security deposit being charged complies with local definitions as well as the state definition.
- The maximum amount of HTBRA funds that can be paid for a security deposit is no greater than the equivalent of two months' rent for the unit (24 CFR 92.209(j)(2)).

- Only the prospective tenant, not landlord, may apply for HOME TBRA security deposit assistance. Additionally, the subgrantee must make payment directly to the landlord (24 CFR 92.209(j)(3)).
- The unit must pass the housing inspection as outlined in this manual before the subgrantee can pay the security deposit using HOME TBRA funding (24 CFR 92.209(j)(5)).
- Any security deposit remaining at the time tenant departs the unit can be kept by tenant.

(E) *Security Deposit Only Programs*

Subgrantee can assist tenants with payment of tenant's security deposit even if the tenant is not receiving ongoing rent assistance (24 CFR 92.209(j)(1)). In addition to the requirements of the Payment of Security Deposits section above, the following are criteria of Security Deposit Only assistance.

- Tenant's household must meet the same qualification requirements as in the full HOME TBRA program (24 CFR 92.209(j)(5)). Subgrantee shall complete any verifications required, including income qualification and household composition;
- The lease associated with the security deposit must not contain prohibited lease provisions (24 CFR 92.253(a));
- The rental lease and HOME TBRA contract must begin on the same day, but the contract will be only for the payment of the security deposit and utility deposits, if applicable (24 CFR 92.209(e));
- The lease can be month-to-month instead of a fixed period if all parties to the lease agree in writing to that term. Signatures of all parties to the lease are sufficient verification of agreement to the lease terms;
- Participants receiving only security deposit assistance are not required to be case managed; and
- HOME TBRA can be used to pay for refundable security deposits for households that have rental vouchers through other programs – such as the Housing Choice Voucher Program – but have insufficient funds to pay the required move-in deposit.

(F) *Submitting Client Grant Information to OHCS*

To enable OHCS to establish a client's account and track program spending, subgrantee must follow the steps identified below:

- Complete and submit the subsidy calculation worksheet, known as the App3, to OHCS for each tenant. Detailed instructions for completing and submitting App3s are available on the HSS Dashboard;

- Complete and submit the RFF (Request for Funds) Worksheet to OHCS along with the App3s. Detailed instructions for completing the RFF Worksheet are available on the OHCS website; and
- Submit an RFF (Request for Funds) in OPUS.

For OHCS to approve subgrantee's request for payment, the total amount of funds identified in the RFF Worksheet must match the total funds requested in OPUS.

(G) *Reimbursing Inspection Costs with Program Funds*

Subgrantee must submit requests for reimbursement of housing inspection costs. The HOME TBRA Program can only reimburse inspections for those who intend to participate in the program.

If subgrantees wish to use HOME TBRA funds to cover the cost of inspecting units for tenants who did not join the Program (due to being placed on another program, losing contact with the tenant, or other reasons), the subgrantee may have to provide additional documentation at the request of OHCS Program Analyst, which can include, but is not limited to:

- An assessment showing that the tenant was eligible for and initially agreed to participate in the HOME TBRA Program;
- Proof of the inspection;
- Any written communication between subgrantee and tenant showing intent to participate in the Program;
- Communication or documentation showing the tenant being placed in another program; and
- Documentation showing attempts to contact tenant.

Subgrantee may request the full amount for each inspection completed.

(H) *Ineligible Uses of HOME TBRA*

HOME TBRA Program funds must not be used for the following:

- Make commitments to specific landlords for specific projects. Tenant must be free to use the assistance in any eligible unit;
- Assist resident owners of cooperative housing that qualifies as home ownership housing. However, a tenant who is renting from a cooperative unit owner can be eligible for assistance;
- Assist a tenant who has a "lease to own" rental agreement if the subsidy will be used to accumulate a down payment or closing costs reserve (24 CFR 92.209(c)(2)(iv)). However, tenant and landlord can arrange for tenant's rent contribution to be set aside for that purpose (24 CFR 92.209(c)(2)(iv));
- Provide HTBRA assistance for stay in overnight or temporary shelter, emergency shelter, nursing home, convalescent home (assisted living facility),

hospital, residential treatment facility, correctional facility, halfway house, housing for students, or dormitories, including farmworker dormitories; (24 CFR 92.2 “Housing”);

- Pay for case management or any staffing costs, except as related to the cost of inspecting units;
- Pay utility deposits unless tenant will also receive security deposit and/or rent assistance (24 CFR 92.209(a));
- Pay rent arrearages;
- Purchase of gift cards for participants for any purpose;
- Payment of rental subsidy directly to the tenant.

5. General Program Requirements

(A) *Tenant Selection Policy*

Subgrantees must develop and use a stand-alone Tenant Selection Policy. The policy must identify the population(s) that will be given a preference for assistance, if applicable, and specify how households will be selected for program participation. Subgrantees must submit this policy to OHCS for review and approval at the beginning of each biennium as part of the Funding Application. If a subgrantee needs to amend or otherwise update their policy throughout the funding period, they can contact the OHCS Program Analyst assigned to the HOME TBRA Program.

Each subgrantee must submit to OHCS the basis for the criteria for their Tenant Selection Policy, and it should be based on local housing needs and priorities. If the subgrantee wishes to establish a local preference (such as targeting populations with special needs or people with disabilities), the subgrantee must submit the local preference policy to OHCS for HUD approval.

The written Tenant Selection Policy must be specific and include:

- Description of the population(s) that will be given preference for housing assistance, including the requirement households served meet program income eligibility restrictions;
- Explanation why the population(s) receiving preference have been given priority over other eligible populations;
- Supporting documents that include data, needs assessment or local governmental determination considered in selecting a preferential population, with sources cited;
- A detailed list of the selection criteria that will be used to identify priority applicants;
- Description of how the written waiting list will be designed and used, or if subgrantee will use the local Housing Choice Voucher Program waiting list. If

using the Housing Choice Voucher Program list, subgrantee must acknowledge the household will retain their Housing Choice Voucher Program preference status;

- Any relevant waivers obtained from HUD regarding regulatory requirements; and
- A description of the approach(es) subgrantee will use to reach all eligible households, particularly those who are “least likely to apply” for assistance.

Additionally, the Tenant Selection Policy must address:

- Where and for how long applications will be accepted;
- Hours during which applications can be submitted; and
- Alternative options for completing applications for persons for whom submitting a written application to the subgrantee’s location would be a barrier.

When developing the Tenant Selection Policy, subgrantee must consider how the criteria will comply with fair housing law. See the following sections in this manual: **Affirmative Marketing**, and **Fair Housing, Non-Discrimination, and Local Preference; and Equal Access**.

Subgrantee can establish a preference to serve individuals with special needs, including homeless or elderly people, or people with disabilities; or may limit their preference to those with a specific category of disabilities (i.e., HIV/AIDS or chronic mental illness) if subgrantee can show that those in the specific category have an unmet housing need and that the preference will narrow the gap in benefits and services received by that group. Assistance must be available to all who qualify as part of that population and access to assistance cannot be limited.

Please note, preferences must not be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a). A person given a preference through the HOME TBRA Program must be allowed to apply for or participate in other programs or forms of assistance.

Subgrantees must ensure that subrecipients have policies that align with OHCS requirements and are consistent with the intent of such a policy as outlined by OHCS. OHCS retains the right to require modification of any policy that in its determination does not meet basic principles or requirements of such a policy.

(B) *Using a Waiting List*

To ensure that applicants are selected for assistance in a fair and equitable manner, subgrantee must create or adopt a waiting list (24 CFR 92.253(d)(5)). Waiting lists serve the purpose of identifying all interested applicants and document the process by which their eligibility is confirmed and the order in which they can be offered assistance. Applicants are selected from the waiting list in the order established by subgrantee’s Tenant Selection Policy.

Subgrantees may create their own waiting list or use the existing Housing Choice Voucher Program housing waiting list. In determining which list to use, subgrantee must consider the following factors:

- The preferences the public housing authority (PHA) has established and how those preferences compare with subgrantee's priorities for assistance. If the PHA preference system does not provide assistance to the population(s) subgrantee determines to be in the most need, subgrantee can establish a separate HTBRA waiting list; and
- The length of the PHA's Housing Choice Voucher Program waiting list and the turnover rate of vouchers and certificates. In communities where the existing Housing Choice Voucher Program waiting list is very long with low turnover, subgrantee can choose to provide interim assistance to those households currently on the Housing Choice Voucher Program waiting list.

(C) *Applicant Intake*

Applicant information for a potential HOME TBRA tenant must be completed in writing or electronically and must include a privacy notification. A client file must be created for each applicant, along with documentation of tenant's eligibility or ineligibility, copies of program forms, and correspondence. If maintaining documents electronically, see the **Electronic Files and Documents** section in this manual.

If subgrantee uses the PHA's waiting list, no additional information is needed if the applicant has already passed eligibility determination by the PHA. However, the client's file must contain confirmation from the PHA of the applicant's qualification and adequate written evidence of the basis on which the PHA made their approval.

(D) *Applicant Notification*

All applicants must be notified in writing regarding whether qualify for HOME TBRA assistance (24 CFR 92.359(c)(2)). [A sample applicant notification form can be downloaded from the OHCS website.](#)

Those denied HOME TBRA assistance must be provided with a copy of the subgrantee's written appeal process, and applicants determined ineligible must be given an opportunity to appeal the decision. See the section on **Appeals and Hearings**.

A written or electronic file must be maintained for all ineligible applicants. The file must contain the back-up documentation used to determine them as ineligible, a copy of the written notification provided to the applicant, any correspondence related to the denial and documentation of the process of any appeal requested by applicant.

(E) *Briefing and Authorization*

Once a household is determined eligible and selected to receive assistance, subgrantee must discuss with the tenant(s) in a briefing or other format, tenant's responsibilities as well as those of the subgrantee and landlord, and provide the tenant(s) with an opportunity to ask questions and make an informed decision about receiving assistance and must document in the client file compliance with this requirement. Subjects covered in the briefing must include:

- Roles and responsibilities of tenant(s), landlord, and subgrantee, including case management requirements;
- The process for calculating tenant and subgrantee portions of the unit rent;
- The refundable security deposit policy;
- Time limitations for locating a unit;
- Housing inspections requirements;
- Fair Housing information, including any search assistance that may be available and the process for filing a complaint in the case of possible discrimination;
- Subgrantee's policy regarding moves and termination of assistance; and
- Lead-based paint information, if applicable.

It is best practice to provide the applicant, at the time of briefing, a coupon, voucher, or other document which provides program information and rent/utility limitations which may apply in a new tenant's housing search.

(F) *Determining Income Qualification*

The instructional resource for how to determine income eligibility for the HOME TBRA program is HUD's Technical Guide for Determining Income and Allowances for the HOME program. The link to the Guide is included in Appendix 1: **Applicable Rules and Regulations**.

Income and eligibility determination for a newly participating tenant remain valid for up to six months after the date of determination. If it takes longer than six months for an applicant to locate housing and begin rent assistance, their eligibility must be re-determined and verified before their HOME TBRA services can start (24 CFR 92.203(e)(2)).

Once an applicant has an effective HOME TBRA contract, subgrantees must re-determine their eligibility to participate in the program at the renewal of the contract, which can up to 24 months after signing the initial contract. To ensure the review is completed on time and adequate notice is given to both landlord and tenant about changes in the household's eligibility or portion of the rent, the re-examination process must begin at least 60 days in advance of the end of the tenant's contract. Subgrantee must use the same procedures as used at initial certification, including requiring two months' current income documentation, to

determine tenant's household income, re-verifying household size, composition, and income.

Because HOME funds can only be used to assist families with incomes at or below 80 percent of area median income, assistance to tenants whose incomes rise above 80 percent AMI must be terminated after subgrantee gives reasonable notice to tenant and landlord.

Interim redetermination of income when the tenant's circumstances change between re-examinations is not required. Subgrantee can develop their own written policy if they want to undertake interim determinations and such policy must be available to OHCS upon request. Subgrantees must ensure that subrecipients have policies that align with OHCS requirements and are consistent with the intent of such a policy as outlined by OHCS. OHCS retains the right to require modification of any policy that in its determination does not meet basic principles or requirements of such a policy. Subgrantee must use such policy in a consistent manner for all households to which it pertains.

Annual Income (24 CFR 5.609(a)(1))

Annual Income is the gross amount of income anticipated to be received by a household during the coming year and is used to determine a household's eligibility for assistance. Annual Income is the projection of income for the next 12 months, using the household's circumstances at the time subgrantee determines the household is income eligible and factoring in any known income changes. Agencies must determine the amount of a household's income before the household is provided rental or security deposit assistance.

Generally, HUD requires subgrantees to determine annual income by examining at least two months' source documentation, which includes, but is not limited to, the following: wage statements, interest statements, and unemployment compensation statements. Income includes all amounts, monetary or not, that go to, or are received on behalf of, the family head, spouse, or co-head (even if the family member is temporarily absent), or any other family member.

Safe Harbor Provision: Under certain circumstances, subgrantees are not required to examine source documentation to determine a household's annual income. Subgrantees may accept income determinations made from other forms of federal, state, or local public assistance. Examples include Medicaid, Temporary Assistance for Needy Families (TANF), the Low-Income Housing Tax Credit (LIHTC), and any other federal, state, or local public assistance.

To qualify for using the Safe Harbor Provision, the subgrantee must be able to obtain a statement that indicates the family size and income of the household. This statement can be provided by an administrator of a federal, state, or local form of public assistance, even if the administrator is not the administrator at the federal or state level. The income determination must have been made within the previous 12-month period. Once the statement is provided to the subgrantee, the tenant

must secure housing within six months. If they fail to do so, the subgrantee must re-determine the tenant's annual income.

Subgrantee must keep record of the statement for the Safe Harbor Provision in the client's file.

Income of all adults in the household, including nonrelated individuals, must be counted -- within certain limitations. Not everyone living in the unit is considered a member of the household for the purposes of determining a household's income. Excluded persons include:

- Foster children;
- Foster adults;
- Live-in aides;
- Children of live-in aides; and
- An unborn child

A child subject to a shared-custody agreement is counted as a household member if the child resides with the household at least 50 percent of the time.

Convert periodic wages to annual income by multiplying:

- 1. Hourly wages by the number of hours worked per year (2,080 hours for full-time employment with a 40-hour week and no overtime);*
- 2. Weekly wages by 52;*
- 3. Bi-weekly wages (paid every other week) by 26;*
- 4. Semi-monthly wages (paid twice each month) by 24; and*
- 5. Monthly wages by 12.*

To annualize other than full-time income, multiply the wages by the actual number of hours or weeks the person is expected to work.

Assets

Subgrantee must count as income any income that will be generated by an asset, such as the interest on a savings or checking account. This income is counted even if the household elects not to receive it. For example, though an applicant may elect to reinvest the interest or dividends from an asset, the interest or dividends are still counted as income anticipated to be received during the coming 12 months. Asset income is discussed in the third chapter of HUD's Technical Guide for Determining Income and Allowances for the HOME program. The link to the Guide is included in Appendix 1: **Applicable Rules and Regulations**.

Adjusted Income

Adjusted income is a tenant's annual income minus specified deductions based upon family circumstances. Subgrantee must use the Housing Choice Voucher Program adjustments to income found at 24 CFR 5.611 or Technical Guide, 4350.3,

5-8. While the annual income is used to determine eligibility generally, the adjusted income is used to determine the household's specific HOME TBRA subsidy.

Re-verifying Income

Income is only required to be verified prior to renewing a HOME TBRA contract, and subgrantees may verify income up to six months before the participant's deadline to have their income re-examined. Once verified, the income certification is good for one year, even if the contract is less than a year and outside the initial six-month timeframe.

Accuracy of Rental Assistance Calculations

Most frequent errors encountered during monitoring reviews occur due to not carefully reviewing the client statements on the application and being sure all questions are completed. Careful interviewing and thorough verification can minimize the occurrence of any errors.

(G) *Occupancy Standards Policy -- How Many Bedrooms Does a Household Need?*

The size of the household must be known before subgrantee can determine the size of the unit for which the household qualifies. Note the number in household used for income qualification and the number in household used for determining unit size are not necessarily composed of the same members and may not be the same size. For example, there are instances where a person's income is not included for income eligibility while that person is considered a member of the household for purposes of determining appropriate unit size.

In addition to family members in the household, the following situations would affect the determination of household size:

- A child temporarily away from the home because of placement in foster care is considered a member of the family for determining the family unit size;
- An unborn child is counted as a member of the household; and
- Any live-in aide and his/her children must be counted in determining the family unit size.

The HUD Housing Choice Voucher Program Housing Subsidy Standards are the HOME TBRA program guide for determining appropriate number of bedrooms for the household size. The Standards set a basic calculation of two persons per living-sleeping area and explain acceptable variations to that calculation. Housing Choice Voucher Program Subsidy Standards are defined in 24 CFR 982.402(a), (b) and (d). Links to that site are provided in Appendix 1: **Applicable Rules and Regulations**.

If an additional bedroom is allowed for an individual who would normally be required to share a room, the reason must be documented in the file by the case manager. Situations in which additional bedroom(s) would be acceptable include the following:

- Household includes persons of different generations (i.e., grandparents, parents, children), persons of a different gender (other than spouses/couples) or unrelated adults;
- Household includes a live-in care attendant who is not a member of the family; and
- Medical problems and chronic illness necessitate separate bedrooms for household members or accommodation of specialized medical equipment.

A household can select smaller units if that arrangement will not create seriously overcrowded conditions. Participants can also select larger units, but the rent assistance will not be increased to cover the cost of the larger unit:

- If a tenant elects to occupy a unit with fewer bedrooms than specified in the Occupancy Standards, the subsidy limit will be based on the number of bedrooms for which the household qualifies;
- If a tenant elects to occupy a unit with more bedrooms than specified in the Occupancy Standards, the subsidy limit is based on the number of bedrooms specified in the Standards, not the number of bedrooms in the selected rental unit. Tenant will be responsible for any excess rent amount; and
- A tenant may decide to rent a unit with more bedrooms than specified but with a lower monthly rent than the fair market rent (or small area fair market rent) for a unit with the appropriate number of bedrooms. In this case, the actual rent will be used to determine tenant's rent subsidy.

Subgrantee must annually review household's size and composition to determine if household's circumstances have changed and whether that change means the tenant no longer qualifies for the size unit in which they reside. In this case, tenant must be required to move to a different sized unit or pay a larger portion of the monthly rent.

(H) *Property Standards and the National Standards for the Physical Inspection of Real Estate (NSPIRE)*

While tenants may generally select the housing unit of their choice, this dwelling must comply with OHCS and subgrantee's property standards before HOME TBRA pays any assistance (24 CFR 92.251(f)(1)). Landlords and property owners must maintain housing as decent, safe, sanitary, and in good repair (24 CFR 92.251(f)(1)). To ensure compliance with these goals, OHCS requires subgrantees to inspect units no later than the tenant's move-in date and annually thereafter for as long as the tenant remains in the unit and receives HOME Tenant-Based Rental Assistance subsidies (24 CFR 92.504(d)(1)(iii)).

HUD sets the minimum property standards in the National Standards for the Physical Inspection of Real Estate (NPSIRE) (24 CFR 92.251(f)(1)(i)). However, in the event that state or local regulations are more stringent than federal requirements,

HUD requires subgrantees to defer to the more stringent set of regulations (24 CFR 92.251(f)(1)(i)).

OHCS has created and made available on its website an inspections checklist for the HOME TBRA Program that takes into account both state and federal property standards. However, subgrantees are responsible for identifying local property standards and may need to modify the inspections checklist if local law is more stringent than state or federal requirements (24 CFR 92.251(f)(1)(i)). Any such modification is subject to OHCS review. In the absence of more stringent local regulations, subgrantees must sign an attestation form stating that no such regulations exist within their service area(s).

In addition, subgrantees must ensure that housing units meet the lead-based paint requirements described in Section (L) of this manual (24 CFR 92.251(f)(1)(iii)).

Inspections Procedure

Subgrantees must adhere to the following procedures and requirements for inspecting units:

- Subgrantees must use the inspections checklist approved by OHCS for recording the results of the inspection, and must maintain record of such inspection in the tenant's file (24 CFR 92.251(f)(5)).
- Certified inspectors must conduct the housing inspections (24 CFR 92.251(f)(5)).
- Subgrantees must inspect units no later than the tenant's move-in date and annually thereafter – or due to complaints by landlord or tenant – for as long as the tenant remains in the unit and receives HOME Tenant-Based Rental Assistance subsidies (24 CFR 92.504(d)(1)(iii)).

If the subgrantee determines that the rental unit being inspected does not meet NSPIRE's property standards, the property owner must correct all deficiencies identified. OHCS cannot pay any HOME TBRA expenses for any period of time in which a rental unit does not meet NSPIRE's property standards.

PLEASE NOTE: An exception may be made for corrections to defective exterior paint during the winter in climates where the weather makes immediate repair impossible.

Where allowable, other OHCS funds can be braided with HTBRA to help cover the costs of bringing a unit into compliance with HQS standards (this does not include major repairs or rehabilitation). After the property owner has made the relevant repairs, subgrantees must conduct a follow-up inspection.

If a unit fails to pass an interim or annual inspection, subgrantees may grant property owners a reasonable period (e.g., 24 hours for emergency conditions or 30 days for less serious conditions) to correct deficiencies. This reasonable period must be consistent with the subgrantee's inspection procedure inspections.

PLEASE NOTE: While NSPIRE has established correction timeframes each identified deficiency, HOME TBRA is not subject to these requirements (24 CFR 92.251(f)(1)(i)). The HOME TBRA Program is only subject to the section of NSPIRE related to identifying deficiencies in inspectable areas. Subgrantees may, however, choose to adhere to NSPIRE correction timeframes.

If the landlord fails to make the needed corrections, subgrantee has several options:

- Subgrantee can, with adequate notice to landlord and tenant, terminate the HOME TBRA contract and require tenant to move to another location to continue to receive assistance; or
- Subgrantee can temporarily suspend its payments until landlord remedies the deficiencies. For this option, the tenant would be responsible for paying full rent while the payments are suspended.

Authorized persons must be prepared to present an inspector certification from HUD, a professional inspection training program or a local housing authority. In addition, the person must complete the HUD Visual Assessment Training on the HUD website and obtain a visual assessment certificate. The link to this part of the HUD website is in Appendix 1: **Applicable Rules and Regulations**.

(I) *Lead-Based Paint*

Federal lead-based paint requirements apply any time federal funds are used for housing assistance and the rental unit was built prior to 1978. A link to rules for lead-based paint is provided in Appendix 1: **Applicable Rules and Regulations**. Additional resource information is contained in Appendix 4: **HOME TBRA Lead-Based Paint Routine Inspection Procedures and Responding to an EBL Child in HOME TBRA Programs**.

Subgrantee must provide the lead hazard information pamphlet, “Protect Your Family from Lead in Your Home”, (available from the Environmental Protection Agency (EPA)), or any EPA-approved alternative, to any resident who will be residing in a unit built before 1978. The tenant must receive the pamphlet before moving into the unit. Subgrantee must document that tenant received the pamphlet at least once and subgrantee is not required to provide it again during additional inspections.

For units older than 1978 which will house one or more children under the age of 6, landlord and tenant must complete a Lead-Based Paint Disclosure form. The form describes any known current or previous lead-based paint hazards, and documents tenant’s receipt of records and the lead hazard information pamphlet. A visual lead-based paint assessment must be completed by a person trained in this inspection process. The inspection can be completed in conjunction with the HQS inspection if the inspector is qualified. At Intake, it must be noted on the application form if there will be any child in the household younger than 6 years.

This information must be provided to the HQS inspector prior to their examination of the proposed rental unit.

HOME TBRA contracts must not be effective or renewed for any unit needing paint stabilization until the work has been completed and the unit passes a clearance test.

Lead-based paint assessments are not required for housing built before 1978 which is used exclusively for the elderly or persons with disabilities unless a child under age 6 is expected to reside there for prolonged period(s) of time.

(J) *Rent Reasonableness*

Subgrantees are required to set rent reasonableness standards based on the market rent of other units of similar location, type, size, and amenities within the community. Rent reasonableness standards govern the amount of rent acceptable for the unit.

Subgrantees must determine what review method(s) they will use to establish the rent reasonableness standards for their areas. Subgrantees must consider the location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities provided by the landlord. A list of comparable rents can be compiled by using a market study of rents charged for units of different sizes in different locations or by reviewing advertisements for comparable rental units. To learn how public housing authorities establish rent reasonableness for the Housing Choice Voucher Program, review Chapter 9 of the HUD Housing Choice Voucher Program Guidebook. The link to the Guidebook is in Appendix 1: **Applicable Rules and Regulations**.

Comparable rents vary over time with market modifications. Rent reasonableness standards must be reviewed periodically and adjusted to conform with these changes.

The rent reasonableness review completed for each unit must be documented in the case file. Use of a single form to collect data on rents for units of different sizes and locations will make the data collection process uniform. A sample “Rent Reasonableness Checklist and Certification” form is included in the group of HOME TBRA forms available on the OHCS web site.

Many landlords will request a rent increase during or at the end of a lease period. Subgrantee must again determine that the proposed rent increase is reasonable in comparison to rents charged for comparable, unassisted units.

(K) *Appendix (App) 3 and Request For Funds (RFF) Workbook*

The App 3 and RFF Workbook are the documents OHCS uses to fund the tenant’s HOME TBRA subsidy. The App 3 provides OHCS with identifying and demographic information about the household, the contract information, income eligibility, and the amount of subsidy.

Subgrantee must submit the App 3 and RFF Workbook to OHCS electronically, and the subgrantee must keep record of these documents in accordance with OHCS recordkeeping requirements.

Detailed instructions for completing and submitting the App 3 and RFF Workbook are available on the HSS Dashboard. For instructions or additional training, contact the OHCS Program Analyst.

(L) *Final Subsidy Calculation*

Once the unit is approved, a final subsidy calculation must be completed to determine subgrantee's and tenant's shares of the rent. Three important factors affect the payment amount:

- The family's adjusted income -- the lower the family's adjusted income, the higher the amount of subsidy;
- The rent standard for the unit type and size; and
- The cost of rent and utilities for the actual unit the family selects.

With some exceptions, the subsidy is meant to reduce a tenant's portion of their monthly rent to no more than 30 percent of their adjusted income, and the minimum contribution that a tenant will pay toward their rent is \$0 (24 CFR 92.209(h)(2)).

Rent Standard, Fair Market Rent (FMR), and Small Area Fair Market Rent (SAFMR)

The rent standard (also known as the payment standard) is the rent amount used in the process of calculating the rent subsidy. OHCS has adopted the rent standard to be the lesser of the following:

- The actual gross rent (monthly rent + utility allowance) of the selected unit; or
- 110 percent of the "fair market rent" (FMR) for the unit type and size within the relevant geographic area (24 CFR 982.503(b)).

Fair Market Rents (FMRs) are estimates of rent plus the cost of utilities, excluding telephone, for specified geographic areas (24 CFR 888.113(a)). [HUD publishes the Fair Market Rents annually on its website](#) to determine rent ceilings for HUD-funded rental assistance programs.

Usually, FMRs are set per County. However, HUD has also established the "Small Area FMR" for certain metropolitan areas and are based on zip codes within those areas. Just like the standard FMR, [HUD publishes small area FMRs annually on its website](#) to determine rent ceilings for HUD-funded rental assistance programs.

[HUD has published a list of metropolitan areas](#) that are required to adopt the Small Area Fair Market Rent for determining rental subsidies. Subgrantees serving those

jurisdictions must use the Small Area Fair Market Rent if a tenant elects to rent a unit within that jurisdiction.

If a metropolitan area is not part of HUD's list of mandatory metropolitan areas, then the subgrantee may choose the higher of the Fair Market Rent or Small Area Fair Market Rent for determining the tenant's maximum rental subsidy.

If actual gross rent exceeds 110 percent FMR, the amount of HOME TBRA subsidy is based on 110 percent of the FMR amount. If actual gross rent is less than 110 percent FMR, the amount of HTBRA subsidy is based on the actual gross rent.

When using HTBRA funds for rent assistance, subgrantees must consult the most current FMR or Small Area FMR published for their geographic area.

Utility Allowances

Tenant's contribution is intended to cover both rent and utilities. If all utilities are included in rent, tenant's entire contribution goes to landlord. However, this is rarely the case. Most tenants pay separately for at least some utilities. In such cases, subgrantee must determine how much of the tenant's contribution should pay utilities and how much should be sent to landlord as rent subsidy.

To determine the portion of costs that will be paid by subgrantee and the portion that will be paid by tenant, subgrantee must establish a utility allowance schedule that estimates the average cost of utilities for typical types of housing (single family, row house, high-rise, etc.) and for various utilities and fuel sources (gas, oil, electricity).

- Utilities included in the schedule generally include those required for water/sewer, electric, gas and trash.
- Telephone and cable TV are not considered utilities for this purpose.

Subgrantees can adopt the utility allowance schedule that the local PHA uses for its Housing Choice Voucher Program, or establish their own schedule based on a survey of typical utility costs in the area. If a subgrantee chooses an alternative schedule, they must receive approval from OHCS.

Rents Exceeding Fair Market Rents

While the Program is designed to have tenants pay no more than 30 percent of their adjusted income for rent, tenants may occasionally pay more than that amount if the rent for tenant's unit is greater than 110% of the area's FMR. This situation can also occur if tenant meets occupancy standards for one size of unit but chooses to rent a unit with more bedrooms at a higher rent. Subgrantee can choose to use other sources of funding to pay the difference between actual gross

rent and the rent standard in these cases, provided that tenants are contributing at least 30 percent of their income to rent.

Subsidy calculation steps

- **Step 1:** Add the utility allowance to the contract rent to get the gross rent.
- **Step 2:** Choose the lesser of the gross rent and 110% FMR to determine the rent standard.
- **Step 3:** Subtract 30% of the household's adjusted income from the Rent Standard to determine the maximum possible subsidy.
- **Step 4:** Subtract the maximum possible subsidy from the gross rent to determine the minimum possible tenant contribution.
- **Step 5a:** If the minimum possible tenant contribution is greater than or equal to \$0, stop. You have successfully determined the rental subsidy and tenant contribution to rent.
- **Step 5b:** If the minimum possible tenant contribution is less than \$0, round the tenant contribution up to \$0. Proceed to Step 6.
- **Step 6:** Subtract \$0 from the gross rent. You have successfully determined the rental subsidy (gross rent minus \$0) and the tenant contribution to rent (\$0).

EXAMPLES OF SUBSIDY DETERMINATION

Example 1																																	
(1)	Thirty percent of the Smith household's monthly adjusted income is \$50.																																
(2)	The unit's rent is \$700 and utility allowance is \$62.																																
(3)	110% Fair market rent is \$740.																																
(4)	The Smith household's \$50 contribution is not enough to pay utilities and rent.																																
(5)	Subsidy is determined as follows:																																
	<table> <tr> <td>\$700</td><td>Contract rent</td></tr> <tr> <td><u>+62</u></td><td>Utility allowance</td></tr> <tr> <td>\$762</td><td>Gross rent (contract rent and utility allowance)</td></tr> <tr> <td> </td><td></td></tr> <tr> <td>\$740</td><td>Rent standard (lesser of gross rent and 110% FMR)</td></tr> <tr> <td><u>-50</u></td><td>Thirty percent of adjusted income</td></tr> <tr> <td>690</td><td>Maximum possible subsidy</td></tr> <tr> <td> </td><td></td></tr> <tr> <td>\$762</td><td>Gross rent</td></tr> <tr> <td><u>-690</u></td><td>Maximum possible subsidy</td></tr> <tr> <td>\$72</td><td>Minimum possible tenant contribution</td></tr> <tr> <td> </td><td></td></tr> <tr> <td>\$72 > \$0</td><td>\$72 is greater than the OHCS minimum contribution of \$0.</td></tr> <tr> <td> </td><td></td></tr> <tr> <td>\$690</td><td>Subgrantee subsidy payment</td></tr> <tr> <td><u>+72</u></td><td>Tenant Contribution</td></tr> </table>	\$700	Contract rent	<u>+62</u>	Utility allowance	\$762	Gross rent (contract rent and utility allowance)	 		\$740	Rent standard (lesser of gross rent and 110% FMR)	<u>-50</u>	Thirty percent of adjusted income	690	Maximum possible subsidy	 		\$762	Gross rent	<u>-690</u>	Maximum possible subsidy	\$72	Minimum possible tenant contribution	 		\$72 > \$0	\$72 is greater than the OHCS minimum contribution of \$0.	 		\$690	Subgrantee subsidy payment	<u>+72</u>	Tenant Contribution
\$700	Contract rent																																
<u>+62</u>	Utility allowance																																
\$762	Gross rent (contract rent and utility allowance)																																
\$740	Rent standard (lesser of gross rent and 110% FMR)																																
<u>-50</u>	Thirty percent of adjusted income																																
690	Maximum possible subsidy																																
\$762	Gross rent																																
<u>-690</u>	Maximum possible subsidy																																
\$72	Minimum possible tenant contribution																																
\$72 > \$0	\$72 is greater than the OHCS minimum contribution of \$0.																																
\$690	Subgrantee subsidy payment																																
<u>+72</u>	Tenant Contribution																																

\$762	Gross Rent
-------	------------

Example 2

- (1) Thirty percent of the Jones household's monthly adjusted income is \$5.
- (2) The unit's rent is \$700 and utility allowance is \$62.
- (3) 110% Fair market rent is \$740.
- (4) Thirty percent of the Jones' Household income is greater than OHCS minimum contribution of \$0.
- (5) Subsidy is determined as follows:

\$700	Contract rent
<u>+62</u>	Utility allowance
\$762	Gross rent (contract rent and utility allowance)
\$740	Rent standard (lesser of gross rent and 110% FMR)
<u>-5</u>	Thirty percent of adjusted income
\$735	Maximum possible subsidy
\$762	Gross rent
<u>-735</u>	Maximum possible subsidy
\$27	Minimum possible tenant contribution
\$27 > 0	\$27 is greater than the OHCS minimum contribution of \$0.
\$735	Subgrantee subsidy payment
<u>+27</u>	Tenant Contribution
\$762	Gross Rent

Example 3

- (1) Thirty percent of the Smith household's monthly adjusted income is \$0.
- (2) The unit's rent is \$700 and utility allowance is \$62.
- (3) 110% Fair market rent is \$800.
- (4) Thirty percent of the Smith's Household income is equal to the OHCS minimum contribution of \$0.
- (5) Subsidy is determined as follows:

\$700	Contract rent
<u>+62</u>	Utility allowance
\$762	Gross rent (contract rent and utility allowance)
\$762	Rent standard (lesser of gross rent and 110% FMR)
<u>-0</u>	Thirty percent of adjusted income
\$762	Maximum possible subsidy

\$762	Gross rent
<u>-762</u>	Maximum possible subsidy
\$0	Minimum possible tenant contribution
\$762	Gross Rent
<u>-0</u>	Minimum contribution
\$762	Subgrantee subsidy payment
\$762	Subgrantee subsidy payment
<u>+0</u>	Tenant Contribution
\$762	Gross Rent

(M) *Limitations on Subsidy Amount*

The amount of subsidy awarded has certain restrictions:

- The monthly HOME TBRA rent subsidy must not exceed the difference between the rent standard (lesser of gross rent and 110 percent FMR) and 30 percent of the household's monthly adjusted income;
- The security deposit subsidy must be no more than the total of two months' contract rent;
- Each subsidy contract must be for no more than 24 months. However, subgrantees may renew contracts for 24 months at a time. Please see Section O: Lease and Contract Effective Dates, for more information;
- Payment of a prorated partial month's rent is allowed, and subgrantees can pay up to the amount of one full month's rent subsidy. Tenant owes any remaining balance.

(N) *Client Contract and Lease Agreement*

Rent Assistance Program Contract and Addendum

Once the unit has passed its inspection and the subgrantee has determined the unit rent is acceptable, the subgrantee, landlord, and tenant execute a HOME TBRA Rental Assistance Program Contract. The contract sets out the responsibilities of subgrantee, tenant and landlord during the period tenant receives HOME TBRA rent assistance. All three parties must sign the agreement.

A Contract Addendum can be used to renew HOME TBRA rent assistance for an existing client. A Contract Addendum must be used and updated monthly when the lease or landlord's rent agreement is for a month-to-month term.

Security Deposit Program Contract

For HTBRA grants that are security deposit only, the lease (see below) and contract must begin on the same day, but the contract will be only for the payment of the security deposit/s.

Lease Agreement and Addendum

Landlord and tenant execute landlord's lease agreement or rent agreement. There must be a written lease or rent agreement for every unit rented in part or in whole with HOME TBRA funds, including when the only HOME TBRA assistance is payment of a security deposit.

Subgrantee must review the lease/agreement to make sure it does not include any prohibited provisions, or other document developed by the agency to document the client file that prohibited lease provisions are not included. If prohibited provisions are present, subgrantee must require landlord to use subgrantee's HOME TBRA Rental Assistance/Security Deposit Program Lease Agreement or Lease Addendum to ensure the prohibited provisions are superseded by the terms of the Addendum. See **Prohibited Lease Provision** section in this manual.

The Lease Addendum can be used to amend, renew, or modify an existing lease or rent agreement, including situations in which the tenant will remain in their current unit.

VAWA (Violence Against Women's Act) Lease Addendum

To comply with HUD regulation, the VAWA Lease Addendum must be executed at the same time as the OHCS Contract and/or Lease Addendum. The terms of this Addendum and Landlord responsibilities will only need to be in effect during the term of the Contract.

(O) *Lease and Contract Effective Dates*

Tenant and landlord must execute the landlord's lease or rent agreement and subgrantee's HOME TBRA contract. The term of the HOME TBRA contract may begin as early as the first day of the first month in which the tenant-based rental assistance is provided. Please note that this means the lease and contract do not necessarily need to begin on the same day. For example, if a tenant signed a lease to be effective April 15, 2025, the terms of the contract may begin as early as April 1, 2025.

The initial term of the contract and lease agreement may be for up to 12 months. (Please note: if the initial contract is for less than 12 months, it must be agreed upon by tenant, landlord, and subgrantee.) After 12 months, the subgrantee, landlord, and tenant may amend the contract and lease for an additional 12 months without requiring the subgrantee to re-verify the tenant's income. After the additional 12 months (or 24 months after the **original contract start date**), the subgrantee, landlord, and tenant must enter into a new contract for continued

assistance. This new contract will require the subgrantee to reverify the tenant's income.

When a lease is terminated by landlord due to a violation by tenant, subgrantee must terminate the HOME TBRA Rent Assistance addendum effective the same date. Subgrantee must assist tenant under a new contract for a different unit unless the subgrantee's termination policy allows the subgrantee to terminate the tenant from the rent assistance program. If the subgrantee continues to assist the tenant, they may use other program funds if needed.

(P) *Prohibited Lease Provisions*

The lease must not contain the following provisions:

- **Agreement to be sued:** Agreement by tenant to be sued or to admit guilt, or to a judgment in favor of landlord in a lawsuit brought in connection with the lease;
- **Treatment of property:** Agreement by tenant that landlord may take, hold or sell the personal property of household members without notice to tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by tenant concerning disposition of personal property remaining in the housing unit after tenant has moved out of the unit. Landlord may dispose of this personal property in accordance with state law;
- **Excusing landlord from responsibility:** Agreement by tenant not to hold landlord or its agents legally responsible for any action or failure to act, whether intentional or negligent;
- **Waiver of notice:** Agreement by tenant that the owner may institute a lawsuit without notice to tenant;
- **Waiver of legal proceedings:** Agreement by tenant that landlord may evict tenant (or other household members) without a civil court proceeding where tenant has the right to present a defense, or before a court decision on the rights of tenant and landlord;
- **Waiver of jury trial:** Agreement by tenant to waive the right to a trial by jury;
- **Waiver of right to appeal court decision:** Agreement by tenant to waive tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease;
- **Tenant chargeable with cost of legal actions regardless of outcome:** Agreement by tenant to pay attorney fees or other legal costs even if tenant wins in a court proceeding by landlord against tenant. Tenant, however, may be obligated to pay costs if tenant loses; and
- **Participation in mandatory supportive services:** Agreement by tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

(Q) Self-Sufficiency Plans

Subgrantees should make available the option for tenants to participate in such plans. If the tenant chooses to participate in a self-sufficiency plan, it must state the goals to address the household's needs, activities to accomplish each goal and the timeline for each activity. The plan must be in writing and both subgrantee and tenant must sign the plan. A copy of the plan must be available in tenant's file.

Self-sufficiency plans can be updated and revised as needed. A tenant may elect to receive education as part of their plan; however, certain students are ineligible to receive assistance through the HOME TBRA Program. If a tenant chooses to receive education as part of their plan, they must not meet the criteria listed in the **Ineligible Participants** section which make students ineligible for HOME TBRA assistance.

If a client refuses to continue with their self-sufficiency plan, subgrantee may not terminate assistance based on client's choice to stop participating in the self-sufficiency program, nor can subgrantees make participation in a self-sufficiency plan a requirement for contract renewal.

(R) Termination of Assistance

Subgrantee must develop a written termination policy which states the grounds upon which subgrantee will terminate its HOME TBRA contract with either client or landlord or refuse to renew a client's HOME TBRA subsidy and describes the notification procedure subgrantee will use. Such policy must be available to OHCS, upon request. Subgrantees must ensure that subrecipients have policies that align with OHCS requirements and are consistent with the intent of such a policy as outlined by OHCS. OHCS retains the right to require modification of any policy that in its determination does not meet basic principles or requirements of such a policy. Such policy must also state how any termination of tenancy will affect possible future Program assistance for a client and in what circumstance(s) the assistance may be continued.

Subgrantee's Criteria for Termination of Contract with Tenant

Reasons subgrantee can choose to terminate a client's assistance include, but are not limited to:

- Tenant has committed any fraud in connection with any state or federal housing assistance program;
- Subgrantee has determined tenant was non-compliant with program requirements;
- Tenant no longer occupies the unit; or
- Other circumstances have occurred which are contrary to HOME TBRA program requirements or subgrantee's written policies.

Subgrantee's Criteria for Termination of Contract with Landlord

Reasons subgrantee can choose to terminate a client's rent assistance for a particular unit include, but are not inclusive of:

- Health and safety repairs are not made within the allotted required timeframe;
- Unit is uninhabitable;
- Owner/landlord conducts misrepresentation or fraud;
- Tenant circumstances may be improved with different living conditions; or
- Other circumstances have occurred which are contrary to HOME TBRA program requirements or subgrantee's written policies.

Subgrantee must notify landlord and tenant in writing of its decision to terminate tenant's rent assistance and that its share of the rent pursuant to the contract shall terminate 30 days after subgrantee gives such notice to landlord.

Landlord's Termination of Tenancy Due to Lease Violation

Landlord can terminate tenant's tenancy or refuse to renew tenant's lease in accordance with ORS Chapter 90.

Landlord must notify subgrantee, in writing, when eviction proceedings have begun. Documentation of the reason(s) for termination of the lease must be included in tenant's file.

Landlord must also provide tenant with written notice which must meet Oregon landlord and tenant laws in accordance with ORS Chapter 90.

In the event of eviction, subgrantee may continue to assist tenant in another unit. Subgrantee can elect not to continue the HOME TBRA assistance with tenant if subgrantee can document that tenant is not in compliance with subgrantee's written policies or HOME TBRA program requirements.

(S) Moves

Tenants can elect to move to another unit, if permitted by the lease agreement. When a tenant decides to move, subgrantee must terminate the HOME TBRA contract and determine if a renewal contract will be offered to tenant.

To ensure a subsidy is not paid on units no longer occupied by an eligible tenant, subgrantee must require tenant to give a minimum of 30 days advance notice of their plan to move out. Landlord must immediately notify subgrantee if/when tenant moves from the unit before the lease period has expired.

There will be circumstances in which tenant does not provide landlord with a 30-day notice. In these cases, subgrantee can use HTBRA funds to pay landlord the subsidy amount of rent for the 30-day period if the lease requires 30 days' notice or if subgrantee determines payment is otherwise appropriate.

If rent assistance continues, subgrantee must provide written notification to tenant and the new landlord whether tenant is entitled to receive assistance only for the balance of months remaining in its original contract or for a full renewal period. Copy of notification must be placed in the tenant's file. Subgrantee must re-determine eligibility and complete subsidy calculations for the new unit.

If tenant moves from the unit in the middle of the monthly rent period, landlord is permitted to retain the remaining rent subsidy payment for the month during which the household moved.

(T) *Emergency Transfer Plan*

In accordance with the Violence Against Women Act (VAWA), an Emergency Transfer Plan (ETP) must allow survivor tenants to transfer to another available and safe unit assisted under covered housing program if:

- Tenant expressly requests the transfer; **and**
- Tenant reasonably believes that s/he is threatened with imminent harm from further violence if s/he remains or tenant is a victim of sexual assault that occurred on premises within 90 days before request.
- Transfer plan must ensure “strict” confidentiality so that housing provider does not disclose location of new unit to abuser.
- Client request and certification is the only documentation needed to qualify a tenant for an emergency transfer.
- Existing policies governing transfers should determine associated housing transfer costs, including providers covering these costs.
- Focus on “available and safe” unit – with consideration for availability, eligibility, waiting lists, tenant preferences, unit restrictions, and safety.
- Covered housing program at a minimum must try to secure a transfer to a unit within the provider's control.
- A model transfer request form is available on the OHCS website which is located in the forms section under “VAWA Forms”.
- A report must be maintained that includes the number of persons assisted, the types of assistance provided, the project or program outcomes data measured under the performance standards developed in consultation with the Continuum of Care, and data on emergency transfers requested under 24 CFR 5.2005(e) and 24 CFR 576.409, pertaining to victims of domestic violence.

- If lease bifurcation due to VAWA results in the eviction of the qualifying member, remaining household members have a right to continued assistance until lease in effect at time of eviction expires.
- Except for tenant-based rental assistance, recipient/subrecipient must require lease/occupancy agreement to allow tenant to terminate lease without penalty if recipient/subrecipient determines emergency transfer requirements met.
- When HTBRA is provided, the lease term/addendum must require the owner to notify the participating jurisdiction before the owner bifurcates the lease or provides notification of eviction to the tenant.

COVERED HOUSING PROVIDER RESPONSIBILITIES		
	Grantee	Housing Owner
Lease bifurcation §5.2009 (a)		X
Victim status documentation; confidentiality §5.2007	X	X
Emergency transfer plan §5.2005(e)	X	
Actual and imminent threat exception §5.2005 (d) (3), (4)		X
Exception of violations not premised on DV; higher standard §5.2005 (d) (2)	PJ	X
Court order exception §5.2005 (d) (1)		X

1. Emergency Transfer Plan Guidelines

- (a) HUD's model emergency transfer plan is a model plan that presents the basic elements set out in §5.2005(e) of this rule to be included in any plan.
- (b) HUD encourages housing providers to consider that housing providers should be familiar with and, if they have not already done so, establish relationships with organizations that assist survivors of domestic violence, particularly those that offer help in locating safe housing for victim of domestic violence.
- (c) Consistent with program requirements and allowances, housing providers in covered programs are allowed to establish preferences for victims of domestic violence, dating violence, sexual assault, and stalking. While HUD's Final Rule does not require housing providers to establish admission preferences for victims of VAWA incidents or transfer priority lists to aid existing tenants in a covered housing program to make an emergency transfer, HUD encourages housing providers to do so. Covered housing providers must detail in their

emergency transfer plans the measure of any priority that those who qualify for an emergency transfer under VAWA will receive.

- (d) HUD's emergency transfer plan contains specific elements, described in §5.2005(e), that must be adopted by all housing providers, regardless of the HUD housing program in which they participate, in formulating their own plans. However, housing providers have discretion as to other elements that should be included in their plans, subject to program-specific requirements that supplement the requirements in §5.2005(e), as the plan is to be tailored to specific capabilities of the provider and any specific requirements of the HUD housing program in which they participate that may affect the ability of a housing provider to facilitate a transfer on an emergency basis.
- (e) HUD recognizes the challenges of finding available units in its covered housing programs. Waiting lists are long and units are not available in abundance. If there is no safe and available unit to which a victim can transfer, then the housing provider will not be able to provide an emergency transfer, VAWA requires each housing provider to develop and issue an emergency transfer plan. HUD also encourages housing providers to reach out to other housing providers in their jurisdiction and strive to establish a relationship in which the housing providers, whether private market providers or government-assisted providers, help one another to the extent feasible address emergency domestic violence situations.
- (f) Lease Bifurcation: The Final Rule maintains the combined 90-day period for establishing eligibility for a program and finding new housing, and the combined 60-day extension period. Unlike the proposed rule, this Final Rule does not divide the time to (1) establish eligibility for a HUD program, and (2) find new housing into 60 and 30-day periods, nor does the Final Rule divide the allowable extensions for establishing eligibility and finding new housing into two 30-day periods. The 90-day period will not apply in situations where there are statutory prohibitions to its application. The 90-day period also will not apply where the lease will expire prior to termination of the 90-day period and, as a result of the lease expiration, assistance is terminated.

2. Emergency Transfer Plan Requirements

Each Grantee must develop an emergency transfer plan that meets requirements in 24 CFR 5.2005 (e).

(e) Emergency transfer plan

Each covered housing provider, as identified in the program-specific regulations for the covered housing program, shall adopt an emergency transfer plan, no later

than June 14, 2017, based on HUD's model emergency transfer plan, in accordance with the following:

- (1) For purposes of this section, the following definitions apply:
 - (i) **Internal emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
 - (ii) **External emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process to reside in the new unit.
 - (iii) **Safe unit** refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.
- (2) The emergency transfer plan must provide that a tenant receiving rental assistance through, or residing in a unit subsidized under, a covered housing program who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:
 - (i) The tenant expressly requests the transfer; and
 - (ii) (A) The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or
(B) In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.
- (3) The emergency transfer plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.
- (4) The emergency transfer plan must incorporate strict confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

- (5) The emergency transfer plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
- (6) The emergency transfer plan must describe policies for assisting a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available, and these policies must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests.
- (7) The emergency transfer plan must describe reasonable efforts the covered housing provider will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. The plan must include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the covered housing provider's program or project, and a tenant who is seeking an external emergency transfer under VAWA into the covered housing provider's program or project. These policies may include:
 - (i) Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves; and
 - (ii) Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.
- (8) Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.
- (9) Where applicable, the emergency transfer plan must describe policies for a tenant who has tenant-based rental assistance and who meets the requirements of paragraph (e)(2) of this section to move quickly with that assistance.
- (10) The emergency transfer plan may require documentation from a tenant seeking an emergency transfer, provided that:
 - (i) The tenant's submission of a written request to the covered housing provider, where the tenant certifies that they meet the criteria in paragraph (e)(2)(ii) of this section, shall be sufficient documentation of the requirements in paragraph (e)(2) of this section;
 - (ii) The covered housing provider may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in

accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and

(iii) No other documentation is required to qualify the tenant for an emergency transfer.

(11) The covered housing provider must make its emergency transfer plan available upon request and, when feasible, must make its plan publicly available.

(12) The covered housing provider must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually.

(13) Nothing in this paragraph (e) may be construed to supersede any eligibility or other occupancy requirements that may apply under a covered housing program.

in published board minutes.

6. Financial Management

(A) Administration

HOME TBRA administrative costs are considered general management, oversight, and coordination under 24 CFR 92.207(a)(5). OHCS allocates funds to subgrantees for administrative costs separately from funds to pay for program activities.

Subgrantee can expend such funds directly or may authorize its subrecipients, if any, to expend all or a portion of such funds, provided total expenditures for planning and administrative costs do not exceed the maximum allocated to subgrantee.

Reasonable administrative and planning costs include:

- Overall program management, coordination, monitoring and evaluation;
- Salaries, wages, and related costs of staff. In charging costs to this category, subgrantee may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities regarding the HOME TBRA program involves administration assignments, or the prorated share of the salary, wages and related costs of each person whose job includes any program administration assignments. Subgrantee may use only one of these methods;
- Developing interagency agreements and agreements with entities receiving HOME funds;

- Developing systems for ensuring compliance with program requirements;
- Preparing reports and other documents related to the program for submission to HUD;
- Coordinating the resolution of audit and monitoring findings;
- Evaluating program results against stated objectives;
- Managing or supervising persons whose primary responsibilities with regard to the program are considered administrative;
- Travel costs incurred for official business in carrying out the program;
- Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services;
- Other costs for goods and services required for administration of the program, including such goods and services as rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space;
- Completing entry of data into the OHCS-approved Homeless Management Information System (HMIS); and
- Staff costs of determining income eligibility of the household.

Subgrantee must keep detailed records of administrative costs to confirm administrative funds were used for eligible costs as described in this section.

(B) *Funds Rollover*

HTBRA funds can be rolled mid-biennium; and when allowable by OHCS can be rolled between biennia and must be drawn from OPUS for allowable expenditures in the spending period within 60 days following the end of the fiscal period when the final AGS/FSR is due, according to subgrantee's grant agreement/contract Requirements. The AGS/FSR is the mechanism for which a subgrantee will request an allowable rollover. Subgrantees are required to submit AGS/FSRs within 60 days following the end of each fiscal year.

7. Records Requirements

(A) *Client Files*

Documentation of participant eligibility and services received must be maintained in printed or electronically saved participant case files, including documentation for applications found to be ineligible. Documentation for applicants found to be ineligible for assistance or for participants who are no longer eligible to receive assistance must include documentation of why they are ineligible and how that was communicated to the applicant/participant, along with notification of the subgrantee's grievance/appeal process. Ineligible participants do not need to be entered into HMIS unless the use of HMIS is a part of the subgrantee or

subrecipient's intake/assessment process. File documentation will be the basis of OHCS monitoring to ensure subgrantee compliance with program requirements, rules, and HUD regulations. Subgrantee must make sure any subrecipients assisting Subgrantee with the HOME TBRA program also maintain appropriate records.

Required documents in client files (or available if kept electronically) include:

- Application form, signed by client;
- Release of Information form, signed by client;
- Applicant Notification;
- HMIS data entry forms;
- Coupon or voucher, if applicable;
- Grievance/Appeal Procedure Acknowledgement, signed by client;
- Lead Based Paint Disclosure;
- HQS Inspection form;
- Rent Reasonableness Review;
- Income Verification, Asset Verification, and other eligibility forms;
- HOME TBRA subsidy calculation (Appendix 3);
- Evidence that Utility Allowance Payments are being made on the client's behalf;
- Self-sufficiency Plan, if applicable;
- Case management notes;
- General correspondence;
- Lease/Rent Agreement and/or Addendum;
- HOME TBRA Contract and/or Addendum;
- VAWA Addendum, Notice of Occupancy Rights, and Emergency Transfer Plan; and
- Notice on Equal Access.

Written or electronic files must be maintained for all ineligible applicants. The documentation that must be included in the files is described in the **Applicant Notification** section of this manual.

(B) Forms Available on OHCS Website

Many forms, contracts and other documents are available for download from the OHCS web site.

The web site for the Technical Guide for Determining Income and Allowances for the HOME Program also provides forms that can be used for income verification and eligibility determination. That link is available in Appendix 1: **Applicable Rules and Regulations**.

8. Appendices

The following appendices are attached to this manual:

- Appendix 1: Links to Applicable Rules and Regulations
- Appendix 2: Acronyms
- Appendix 3: Definitions
- Appendix 4: HOME TBRA Lead-Based Paint Routine Inspection Procedures; and
Responding to an EBL Child in HOME TBRA Programs

(A) **Appendix 1: Links to Applicable Rules and Regulations**

Locations of regulations and resource materials include the following, as may be amended from time to time:

1. 24 CFR 91: [Consolidated Plan](#)
2. 24 CFR 92: [HOME Investment Partnerships Programs](#)
 - 2013 HOME Rule: <https://www.hudexchange.info/home/home-final-rule/>
3. HUD Exchange Reference Library: The HUD website for Community Program Development has numerous resources available. You can find the main page for HUD Exchange at: <https://www.hudexchange.info/>
 - HOME Investment Partnerships Program on HUD Exchange: <https://www.hudexchange.info/home/>
4. ORS 456.515 through 456.725: [Housing and Community Services Department](#)
5. ORS 458.505 through 458.545: [Community Services Programs](#)
6. OAR 166-300: [State Agency General Records Retention Schedules](#)
7. OAR 813-120: [HOME Investment Partnerships Program](#)
8. OMB Circular: HOME-funded state recipients, subrecipients and CHDOs acting as subrecipients are required to have audits. Audit thresholds and requirements are outlined in OMB Circulars.
9. This manual as a guideline for HTBRA, and all other references made within this manual.
10. Occupancy standards: <https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982?toc=1>.
11. Housing Choice Voucher Program definition of annual income found at [24 CFR 5.609](#)
12. Annual HUD income limits: <https://www.oregon.gov/ohcs/compliance-monitoring/Pages/rent-income-limits.aspx> or <https://www.hudexchange.info/programs/home/home-income-limits/>
13. Income calculation guidance: Technical Guide for Determining Income and Allowances for the HOME Program: <https://www.hudexchange.info/resource/786/technical-guide-for-determining-income-and-allowances-for-the-home-program/>
14. Housing Choice Voucher Program Income calculation guidelines found at 24 CFR part 5, subpart F: <http://www.ecfr.gov/cgi-bin/text-idx?SID=4d819304bac0f69da102ff6ec30d36be&mc=true&node=pt24.1.5&rgn=div5>, and
15. HUD Housing Choice Voucher Program Guidebook: https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook

16. HUD Visual Assessment Training Course:
<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>
17. Limited English Proficiency federal interagency website can be found at:
<http://www.lep.gov/> and FAQs can be found at:
https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq
18. HMIS Data Standards: [24 CFR 121](#), <https://www.hudexchange.info/resource/3824/hmis-data-dictionary/>
19. Lead-Based Paint:
 - (a) [24 CFR part 35](#), Subpart M, and:
 - (b) http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/healthyhomes/lead
 - (c) US Environmental Protection Agency: <https://www.epa.gov/lead>
 - (d) The LBP pamphlet may be downloaded from HUD's LBP website:
<https://www.hudexchange.info/programs/lead-based-paint/>
20. CFRs cited are amended from time to time and can be found at:
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl>
21. ORS cited are amended from time to time and can be found at:
https://www.oregonlegislature.gov/bills_laws
22. OARs cited are amended from time to time and can be found at:
<https://secure.sos.state.or.us/oard/ruleSearch.action>
23. OMBs cited are amended from time to time and can be found at:
<https://www.whitehouse.gov/omb/information-for-agencies/circulars>

(B) Appendix 2: Acronyms

AGR	Agency Grant Request
AGS	Agency Grant Status
AMI	Area Median Income
CAA	Community Action Agency
CFR	Code of Federal Regulations
EBLL	Elevated Blood Lead Level
EHA	Emergency Housing Assistance (Program)
ETP	Emergency Transfer Plan
FMR	Fair Market Rent
FSR	Financial Status Report
HH	Household
HMIS	Homeless Management Information System
HOME TBRA	HOME Tenant-Based Assistance Program
HQS	Housing Quality Standards
HTBRA	HOME Tenant-Based Assistance Program
HUD	United States Department of Housing and Urban Development
IDIS	Integrated Disbursement and Information System
LBP	Lead-Based Paint
OAR	Oregon Administrative Rule
OHCS	Oregon Housing and Community Services
ORS	Oregon Revised Statute
PHA	Public Housing Authority
PJ	Participating Jurisdiction
RFF	Request for Funds
SSN	Social Security Number
USC	United States Code
VAWA	Violence Against Women Act
VSP	Victim Service Provider

(C) Appendix 3: Definitions

Adjusted Income: Annual gross income reduced by deductions or allowances for dependents, elderly households, medical expenses, disability expenses, and child care.

Affirmative Marketing Plan: A document consisting of actions subgrantee will take to provide information and otherwise attract persons representative of their Tenant Selection Policy without regard to race, color, national origin, sex, religion, familial status or disability. The plan must include the method/s of outreach that will be used to ensure that households who are “least likely to apply” will be informed of the opportunity to apply for assistance.

Annual Income: The gross amount of income of all adult household members that is anticipated for the coming 12-month period.

Applicant: An individual or household that has applied for HOME TBRA funds.

Bifurcation: To divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and state or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Certified Household: A household that meets the qualification requirements to receive HOME TBRA-funded assistance.

Client: A household who has received an assessment of need, has been entered into an OHCS-funded program (intake), entered in HMIS and who is receiving financial assistance. Once a household receives financial assistance, they are considered a client.

Covered Housing Provider: The individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes Public Housing Authorities, sponsors, owners, mortgagors, managers, state and local governments or agencies thereof, non-profit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in 24 CFR Part 5, subpart L, for any of the covered housing programs. It is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

Domestic Violence: This definition includes domestic violence, dating violence, sexual assault, stalking, attempting to cause, or intentionally, knowingly or recklessly causing or placing another in fear of imminent serious physical injury or emotional, mental or verbal abuse, and using

coercive or controlling behavior. This does not include other criminal acts such as violence perpetrated by a stranger, neighbor, acquaintance or friend, unless those persons are family members, intimate partners or household members. (Note: This definitional aligns with TANF rules and regulations)

Elderly Family: A family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age.

Elderly Person: An individual who is at least 62 years of age.

Eligible Person or Eligible Household: One or more persons or a family, irrespective of race, creed, national origin or sex, determined to be very low income.

Fair Market Rent - FMR: HUD standards for gross rent for each county. Subgrantees use the current FMR for their jurisdiction when determining the amount of subsidy they will pay toward tenant's rent and utilities. HUD evaluates and revises FMRs annually.

Final Subsidy Calculation: Once an applicant has secured a unit, a final subsidy calculation must be completed to determine tenant's share of rent. A number of factors are considered to arrive at the amount of HOME TBRA subsidy that will be paid on behalf of the client.

Gross Rent: The sum of the rent charged by landlord plus the monthly allowance for utilities as established by the public housing authority or determined by another comparable method for the area in which the housing is located. If landlord pays for all utilities, then gross rent equals the rent charged by landlord.

HMIS: Homeless Management Information System. Victim Service Providers must use an HMIS comparable database.

HOME: HUD's HOME Investment Partnerships Program established by the HOME Investment Partnerships Act at Title 11 of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, 43 U.S.C.12701 et seq.

HOME-Assisted Unit: A unit built or rehabilitated with funding that included HOME money.

Household: An individual living alone, a family with or without children or a group of individuals living together as one economic unit.

Housing: Rental unit; can be a unit in a rental complex, a free-standing single family home or manufactured housing. Housing does not include emergency shelters, domestic violence shelters, health facilities, correctional facilities or designated student housing.

Housing Quality Standards (HQS): HUD's livability standards as described in 24 CFR Sec. 982.401.

HUD Regulations: The regulations of HUD in 24 CFR Part 92 for the HOME Program, issued under the authority of Title 11 of the National Affordable Housing Act of 1990.

Implementation Report Application: Subgrantee's plan for the use of program funds as approved by OHCS, which is part of its approved funding application, and included in its funding agreement with OHCS.

Income Verification: Verification of financial information provided by the client.

Lead-Based Paint: Lead-based paint notification and inspection applies to all construction taking place prior to 1978. Before that date, it was common practice to use lead in paint made for residential use. Lead-based paint ingested by children is extremely harmful to their health, requiring Subgrantee to take certain steps to protect tenants' health and safety.

Low Income: A household whose annual gross income does not exceed 80% of the median income for the area as determined by HUD.

Nonprofit: Qualified entity that has tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is incorporated to operate in the state of Oregon.

Occupancy Standards Policy: HUD has established occupancy standards in their Housing Choice Voucher Program. HOME TBRA follows those standards. Generally, standards require the dwelling unit to have at least one bedroom or living/sleeping room for every two persons.

Participant: A household who may or may not be a client, but is receiving OHCS-funded services (such as case management).

Participating Jurisdiction: Any state, local government, or consortium of local governments that HUD has designated to administer a HOME program.

Person with Disability, Per 24 CFR 92.2: A person, including a child, who has a physical, mental or emotional impairment that:

- Is expected to be of long-continued and indefinite duration;
- Substantially impedes his or her ability to live independently; and
- Is of such a nature that such ability could be improved by more suitable housing conditions.

A person will also be considered to have a disability if he or she has a developmental disability, which is a severe, chronic disability that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the person attains age 22;
- Is likely to continue indefinitely;

- Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and
- Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

Priority Population means persons that the subgrantee/subrecipient has determined as having the greatest need and will receive services first (such as veterans and homeless families with children).

Public Housing Authority (PHA): A housing authority that has entered into a contract with the Secretary of Housing and Urban Development of the United States and is authorized to make rent-based payments to landlords under the Housing Choice Voucher Program.

Rent Reasonableness: Subgrantee's comparison of the proposed unit's rent to rents for similar unassisted units in the marketplace to determine if the proposed unit's rent is reasonable. Subgrantee must consider location, quality, size, unit type, age of the rental unit, amenities, housing services, maintenance, and utilities to be paid by tenant.

Rent Standard or Payment Standard: The lesser of gross rent (actual rent and utility allowance) or FMR. The rent standard represents rent and utility costs of moderately priced units which meet Housing Choice Voucher Program Housing Quality Standards (HQS) in each subgrantee's geographical area.

Self-Sufficiency Plan: A plan developed by tenant and case manager that identifies goals or strategies designed to help a tenant achieve long-term housing stabilization.

Single Room Occupancy (SRO): A single room dwelling unit. To meet eligibility requirements for the HOME TBRA program, the unit must contain either food preparation or bathroom facilities, or both if the unit is new construction, conversion of non-residential space, or reconstruction.

Special Needs: A person with Special Needs may need special housing or other considerations to enable them to live comfortably.

Stand-Alone Policy/Procedure: A written policy/procedure that includes all the requirements for such a policy/procedure and is either its own separate document or it is included in a larger document, such as a policy and procedures handbook, that can easily be separated from the larger document for the purpose of approval and review by OHCS.

Subrecipient: Subrecipients are entities that, by contract with the subgrantee agency, provide assistance payments/services and may receive funding directly from the subgrantee agency. Through its agreements with subgrantee agency, subrecipients must comply with all requirements for the program. Subrecipients include a subgrantee's subcontractors, contractors, vendor, subrecipients and any subcontractors, contractors, vendors or subrecipients of a

subcontractor, contractor, vendor or subrecipient. Subrecipients are those organizations that receive OHCS funds from the Subgrantee.

Subgrantee: Community action agencies (or other qualified entities) that receive HOME TBRA funding from OHCS and provide direct client services. Subgrantees can contract direct client services to subrecipients.

Target Population means persons a subgrantee/subrecipient wishes to reach out to who are under-represented in their service population.

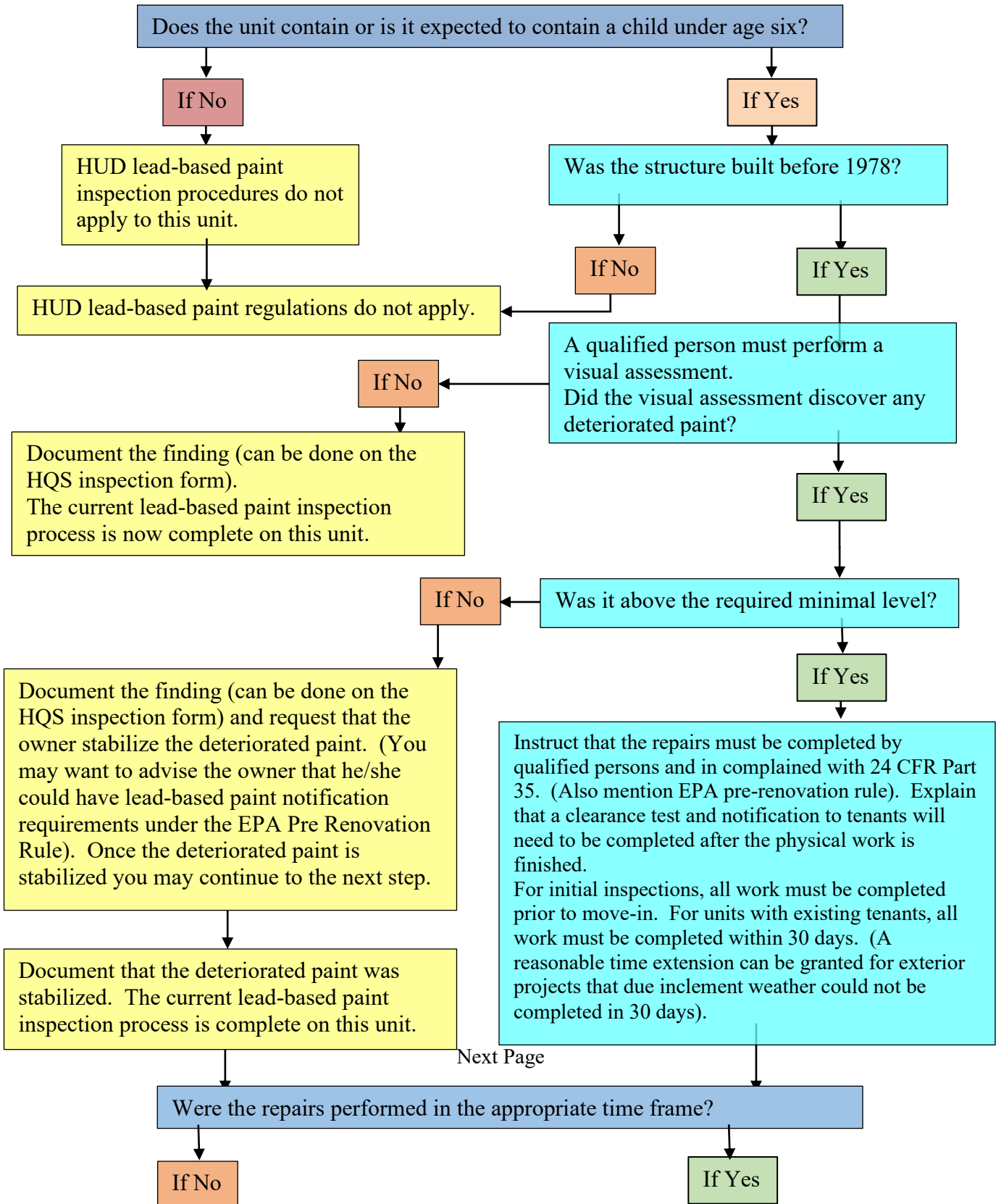
VAWA: Violence Against Women Act. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.

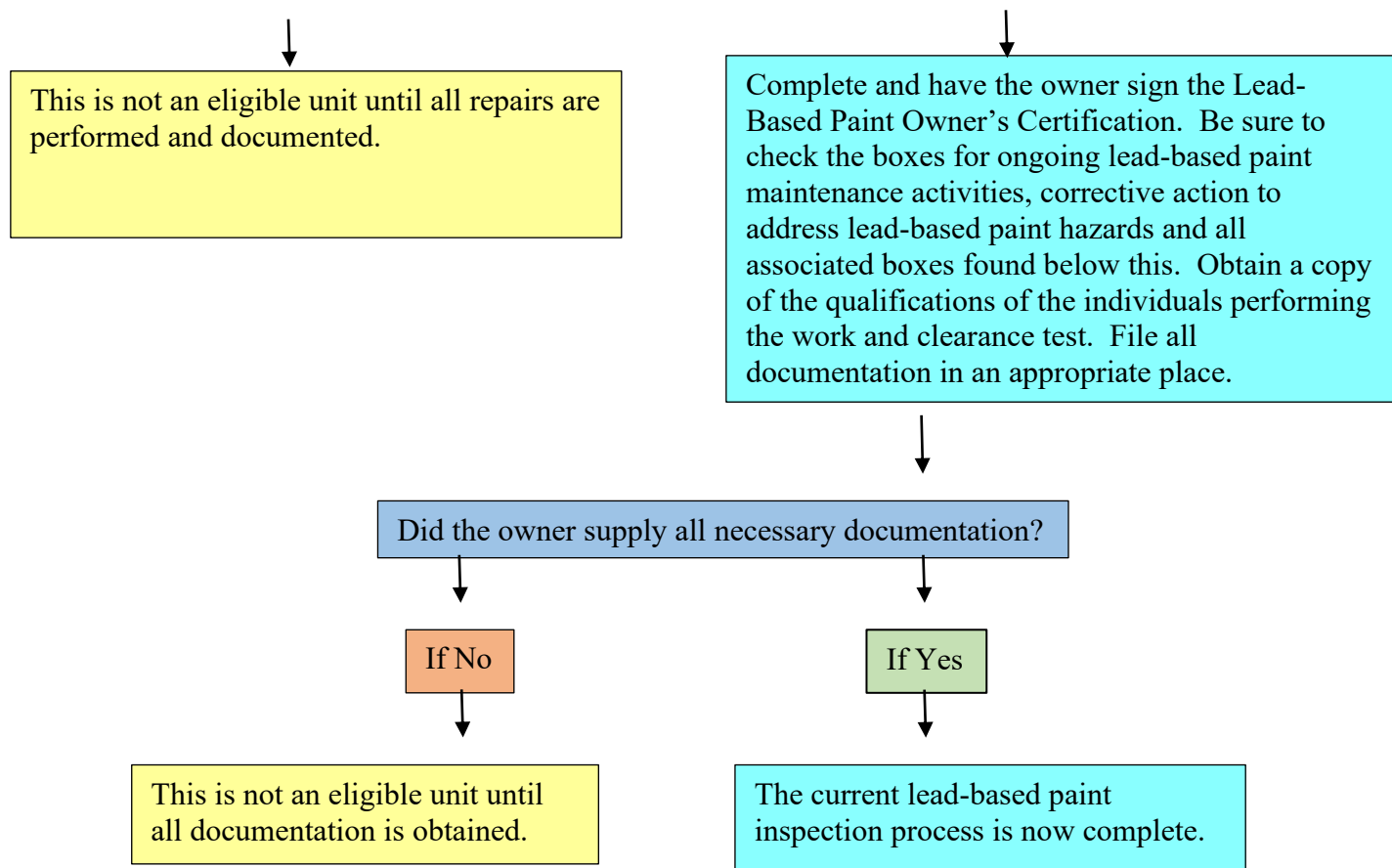
Very low income: Household gross income that does not exceed 50% of the median income for the area, as determined by HUD.

Wet Signature: Any signature affixed to a hard copy with a pen or other writing device. An electronic signature does not meet the requirements of a wet signature.

(D) **Appendix 4: Lead-based Paint Routine Inspection Procedures**

(General Overview, may not contain all details)





Links to more information about lead-based paint and LBP poisoning prevention, as well as the LBP pamphlet, are provided in Appendix 1: **Applicable Rules and Regulations.**

(E) *Elevated Blood Lead Levels*

Subgrantee must obtain from the state health department information about children with elevated blood lead levels (EBLL) in their service area. Subgrantee must check information received from the health department against their roster of clients receiving rental assistance to identify any children with EBLL. If a child with EBLL is living in a unit receiving HOME TBRA assistance, subgrantee must take the required steps noted above to ensure lead hazards have been identified and clearance completed.

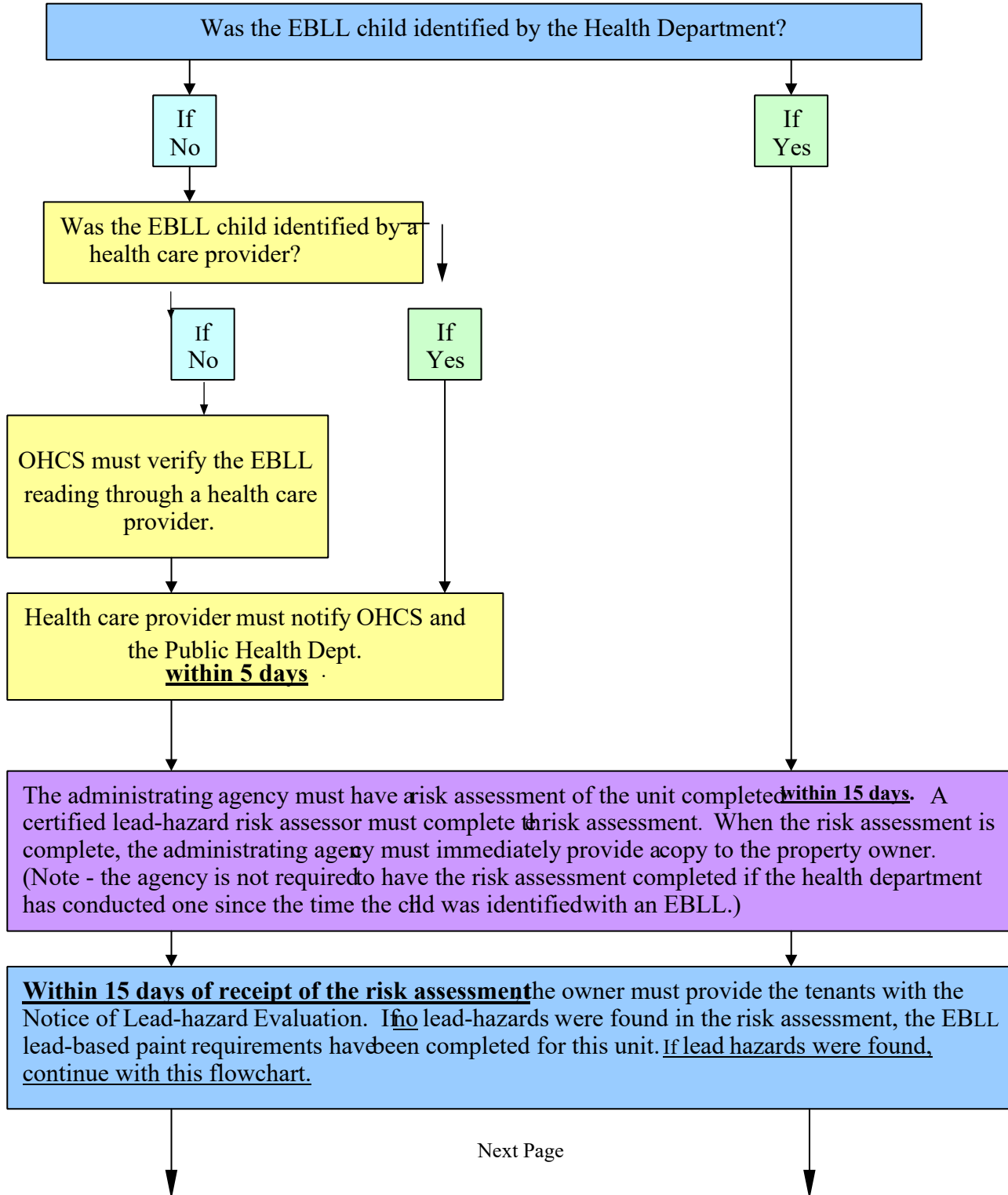
If subgrantee begins evaluation and lead hazard reduction before being notified that the child/ren in the incoming household has been identified with EBLL, subgrantee must finish the activities but does not need to repeat them.

If a child with EBLL moves before subgrantee has completed the assessment or lead hazard reduction, subgrantee must ensure the activities are completed before the unit can be eligible for rental assistance.

The flow chart on the next page shows steps that must be taken to ensure all federal requirements have been met regarding child/ren identified with EBLL.

Responding To An EBLL Child

(General Overview, may not contain all details)



The owner must complete the work recommended in the risk assessment and receive clearance **within 30 days of receipt of the risk assessment report**. The clearance must be completed by a person certified to do such work by the Oregon Department for Public Health. There are exceptions but **temporary relocation of the tenants will most likely be required**. (Note -- HUD regulations allow the use of interim controls. Abatement is not required unless the risk assessor determines there is no way to fix the problem with interim controls.)

Within 15 days of clearance, the owner must provide the tenants with the Notice of Hazard Reduction Activity.

Was the work completed and clearance achieved?

If
No

This is not an eligible unit. Not only is the unit not eligible for this family, it is not eligible for any TBRA assisted family, regardless of whether or not they have a child under 6. The unit is not eligible until all work is completed and documented.

If
Yes

Complete and have the owner sign the Lead-Based Paint Owner's Certification. Check the boxes for ongoing lead-based paint maintenance activities, corrective action to address lead based paint hazards, and all associated boxes found below this. Obtain a copy of the qualifications of the individuals performing the work and clearance test. File all documentation in an appropriate place.

Did the owner supply all necessary documentation?

If
No

This is not an eligible unit until all documentation is obtained.

If
Yes

The current EBLL requirements have been completed on this unit.