

# **HOME Tenant-Based Assistance (HTBA) July 1, 2019**



## **HOME Tenant-Based Assistance Program Operations Manual**

### **Contacts**

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Homeless Services Section  
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# Table of Contents

<b>Contacts</b> .....	<b>1</b>
<b>1. Program Summary</b> .....	<b>4</b>
(A) Additional Resource Materials .....	4
<b>2. Applicant Eligibility</b> .....	<b>4</b>
(A) Income Eligibility .....	4
(B) Residency in Subgrantee’s Service Area .....	4
(C) Housing Choice Voucher Program (Section 8) Assistance .....	5
(D) Ineligible Applicants – Students .....	5
(E) Citizenship .....	6
(F) Eligibility Documentation .....	6
(G) Affirmative Marketing .....	7
(H) Fair Housing, Nondiscrimination and Local Preference .....	8
(I) Equal Access .....	8
(J) Limited English Proficiency .....	9
(K) Formerly Incarcerated Persons .....	10
<b>3. Allowable Program Components and Expenditures</b> .....	<b>10</b>
(A) Eligible Services .....	10
(B) Eligible Units .....	10
(C) Payment of Utility Deposits .....	10
(D) Payment of Security Deposits .....	11
(E) Security Deposit Only Programs .....	11
(F) Submitting Client Grant Information to OHCS .....	12
(G) Reimbursing HQS Inspection Costs with Program Funds .....	12
(H) Limited or Ineligible Uses of HOME TBA .....	12
<b>4. Administrative Requirements</b> .....	<b>13</b>
(A) MGA Operational Standards .....	13
(B) System-Wide Performance Measures .....	13
(C) Training .....	15
(D) Homeless Coordinated Entry Process .....	16
(E) Persons with Lived Experience Feedback .....	16
<b>5. General Program Requirements</b> .....	<b>16</b>
(A) Release of Information .....	16
(B) Keeping Client Information Confidential .....	16
(C) Electronic Confidentiality .....	17
(D) Tenant Selection Policy .....	17
(E) Using a Waiting List .....	19
(F) Application Intake .....	19
(G) Applicant Notification .....	19
(H) Briefing and Authorization .....	20
(I) Determining Income Qualification .....	20
(J) Occupancy Standards Policy -- How Many Bedrooms Does a Household Need? .....	22
(K) Housing Quality Standards (HQS) .....	24
(L) Lead Based Paint .....	24
(M) Rent Reasonableness .....	25

(N) Appendix (App) 3 and RFF Workbook .....	26
(O) Final Subsidy Calculation .....	26
(P) Limitations on Subsidy Amount .....	29
(Q) Client Contract and Lease Agreement .....	29
(R) Coordination of Lease and Contract Effective Dates .....	30
(S) Prohibited Lease Provisions .....	31
(T) Self-Sufficiency Plans.....	32
(U) Termination of Assistance.....	32
(V) Moves.....	34
(W) Emergency Transfer Plan .....	34
(X) Denial of Assistance .....	39
(Y) Grievance and Appeals Process .....	40
(Z) Outreach to Prospective Landlords.....	41
(AA) Conflict of Interest .....	41
(BB) Match Requirements.....	42
<b>6. Financial Management .....</b>	<b>42</b>
(A) Administration.....	42
(B) Use of OPUS .....	43
(C) Request for Funding Documentation.....	44
(D) Budget Change Requests and Implementation Report Amendments .....	44
(E) Funds Spend Down.....	44
(F) Purchasing.....	44
<b>7. Reporting Requirements .....</b>	<b>45</b>
(A) Data Entry.....	45
(B) Data Timeliness .....	45
(C) Required Data Elements.....	45
(E) Comparable Database.....	46
(F) Reporting Requirements .....	47
<b>8. Records Requirements .....</b>	<b>47</b>
(A) Client Files .....	47
(B) Forms Available on OHCS Web Site .....	48
(C) Electronic Files and Documents .....	48
(D) Record Access.....	48
(E) Record Retention .....	48
<b>9. Monitoring.....</b>	<b>49</b>
<b>10. Subrecipient Monitoring .....</b>	<b>49</b>
<b>11. Appendices .....</b>	<b>50</b>
(A) Appendix 1: Links to Applicable Rules and Regulations.....	51
(B) Appendix 2: Acronyms .....	53
(C) Appendix 3: Definitions.....	54
(D) Appendix 4: Lead-based Paint Routine Inspection Procedures.....	59
(E) Elevated Blood Lead Levels .....	61

## 1. Program Summary

The HOME TBA 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 may move from one rental property to another and continue to qualify for rent assistance. The level of rent subsidy is determined by a number of factors including 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 complete a self-sufficiency program.

### (A) *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 TBA Lead-Based Paint Routine Inspection Procedures, and Responding to an EBL Child in HOME TBA Programs

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

## 2. Applicant Eligibility

### (A) *Income Eligibility*

To participate in OHCS's HOME TBA program, an applicant must be a member of a very-low income household, which means a household must have gross income no greater than 50% of median income at the time of their initial contract.

The income of a participating household must be verified and documented before assistance is provided and must be re-examined annually thereafter. At the time of annual re-examination, a household's income may not exceed 80% AMI.

Area median income limits are established by household size and revised annually by HUD. Current income limits may be obtained from OHCS' website. 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. However, due to HUD's requirements for HQS inspection and the need for subgrantees to be in contact with their clients, subgrantee may want to establish a policy that HTBA applicants/clients live within subgrantee's service area. The policy should also address subgrantee's position about potential applicants who do not currently live within subgrantee's jurisdiction but are wishing to move there and the

situations in which the applicant works in the area or is seeking work in the area but currently resides out of the area.

Subgrantee shall not establish a minimum length of residency requirement.

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

A HOME TBA program participant who also has applied for Housing Choice Voucher Program assistance retains their placement on the Housing Choice Voucher Program waiting list and any tenant selection preference for which he/she qualified before HOME TBA was provided. 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 TBA assistance. This policy enables households to receive assistance through HOME TBA without jeopardizing their opportunity to receive Housing Choice Voucher Program assistance.

Housing Choice Voucher Program voucher and certificate holders cannot simultaneously receive HOME TBA assistance because the two programs would provide duplicated subsidies. HOME TBA recipients who are offered a Housing Choice Voucher Program voucher or certificate must relinquish HOME TBA rent assistance if they wish to accept the Housing Choice Voucher Program assistance. Similarly, a family currently receiving Housing Choice Voucher Program rental assistance may not accept HOME TBA rent subsidy without relinquishing the Housing Choice Voucher Program assistance; however, a Housing Choice Voucher Program rental assistance recipient can receive HOME TBA-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 TBA recipient, that household must be offered a Housing Choice Voucher Program voucher or certificate.

**(D) *Ineligible Applicants – Students***

The 2013 HOME Rule specifically excludes certain students from participating independently in the HOME TBA program. The HOME TBA program adopts the Housing Choice Voucher Program restrictions on student participation found at 24 CFR 5.612, which exclude any student who meets all the criteria listed below:

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

Students are prohibited from receiving any type of HOME assistance, including renting HOME-assisted rental units, receiving HOME tenant-based rent assistance, or otherwise participating in the HOME program if they meet the above criteria and live independently from their very low-income families. 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" or "qualified alien."

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 TBA assistance, subgrantee must verify:

- Applicant's eligibility for subgrantee's tenant selection preferences;
- Applicant's household size and composition;
- Applicant's income and adjustments to income.
- 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.

OHCS requires program staff to comply with the following general documentation standards listed in order of preference:

**Third party verification**

Third party verification of employment is appropriate if it confirms at least two months of current pay. Third party includes verification from an employer, landlord, public benefit worker, agency service provider, etc. Written verification directly to program staff or via the applicant is preferred.

**Intake worker observation**

Intake worker observation may include oral statements made by a social worker, case manager, or other appropriate official at an institution, shelter, or other facility and documented by the subgrantee intake worker, including the name, telephone number and position/title of the party providing the statement. When the Intake Worker is unable to obtain a written or oral statement from a shelter, institution or facility staff,

the Intake Worker must document, in writing, their efforts to obtain eligibility documentation and must place their documentation in the client's file.

**Applicant self-certification**

Applicant self-certification requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying. This type of statement is acceptable only when other types of verification are not available. The intake worker must record in the applicant's file his or her due diligence in attempting to obtain confirmation.

Documentation of all client/applicant information must be available electronically or as a printed copy in the client/applicant file. Documentation of all efforts to obtain higher preference of verification (3rd party and Intake Worker Observation) when lower forms of preference are used, must be in writing and kept in the client's/applicant's file. See **Electronic Files and Documents** section of this manual.

**(G) Affirmative Marketing**

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, sex, religion, familial status or disability. 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:

- Method(s) subgrantee will use to inform the public, landlords, and potential tenants about fair housing laws;
- A description of subgrantee's marketing approach to reach all eligible households;
- 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 federal affirmative marketing requirements. Subgrantee and subrecipient must have available for review records demonstrating compliance with state and federal nondiscrimination and equal opportunity rules, including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and household who are applicants for, or program participants in, any program or activity funded in whole or in part with HTBA funds and the affirmative marketing requirements above. OHCS will review any materials used to present the HOME TBA program to the public. Subgrantee will make modifications if so requested by OHCS.

## **(H) Fair Housing, Nondiscrimination and Local Preference**

Subgrantee must maintain policies and procedures to ensure non-discriminatory actions, outreach and program access including selection of program participants, hiring of employees and contracting with vendors.

Before a local preference is implemented, subgrantee should review their selection process to verify the preference itself is not discriminatory. For example, a preference to serve participants in a job skills program must be made available to participants in all similar job skills programs in subgrantee's service area.

Subgrantees are required to comply with all state and federal statutes relating to nondiscrimination. Subgrantee may not take any of the following actions based on race, color, national origin, religion, gender, familial status or disability (federal) or marital status, sexual orientation, gender identity or source of income (state):

- Refuse to accept an application for housing assistance or services
- Deny an application for housing assistance or services
- Set different terms, conditions or privileges for housing assistance or services
- Provide different or specific housing, facilities or services
- Falsely deny that housing is available for inspection or rental or that services are available
- Deny anyone access to a facility or service.

The Fair Housing Act prohibits discrimination based on protected classes in the housing activities of advertising, screening and unit rentals. Using a target population in screening is allowed; however, refusal to accept application or provide information on services or available housing to any protected class, even if these groups do not fit into your targeting strategy is prohibited.

For example, a provider might decide to give priority to clients who graduate from a rental rehabilitation program that is inclusive of all protected classes. If two applications come in at the same time and both meet the screening criteria, the applicant who also has the rental rehabilitation experience could receive priority over the applicant who does not; however, providers should always accept the first applicant meeting their criteria or prioritization policy.

Screening criteria cannot be discriminatory and must be consistently applied. For more information, see the [Guide to Fair Housing for Nonprofit Housing and Shelter Providers](#) produced by the Fair Housing Council of Oregon, or contact them directly at [www.fhco.org](http://www.fhco.org).

## **(I) Equal Access**

HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD), such as HTBA. HUD ensures housing

programs will be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. Recipients and subrecipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program must grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.

Policies and procedures to protect privacy, health, safety, and security, shall be established or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:

- Equal access is provided in accordance with gender identity;
- In single-sex facilities, individuals are placed, served and accommodated in accordance with one's gender identity;
- Individuals are not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity; and
- Nondiscriminatory steps are taken to address privacy concerns, including updating operating policies and procedures.

Subgrantees and subrecipients must provide the Notice of Equal Access to clients receiving housing assistance. The Notice of Equal Access form can be found on our website. A link is provided in the appendix of this manual.

## **(J) *Limited English Proficiency***

The Federal government has issued a series of policy documents, guides and regulations describing how subgrantee and subrecipient should address the needs of citizens who have limited English proficiency (LEP). The abbreviated definition of persons with limited English proficiency is those who: have difficulty reading, writing, speaking, or understanding English, and do not use English as their primary language.

Subgrantee must have a LEP policy document that describes the actions subgrantee took to identify LEP populations in their service area and define actions they will take to provide language assistance and address language barriers. The policy must also state how and how often staff will receive training about assisting LEP persons, how the level of success of the policy will be identified and how changes will be made if needed.

Links to more information about Limited English Proficiency requirements are provided in the appendices "Applicable Rules and Regulations".

Subgrantees and subrecipient should create a written Language Access Plan (LAP) to provide a framework to document how the agency's programs will be accessible to all populations in their service area. Subgrantees and subrecipient who serve few persons needing LEP assistance may choose not to establish a LAP; however, the absence of a written LAP does not release subgrantee's and subrecipient's obligation to ensure LEP persons have access to programs or activities.

**(K) Formerly Incarcerated Persons**

The HOME TBA program does not have restrictions or exclusions for persons 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.

**3. Allowable Program Components and Expenditures**

**(A) Eligible Services**

The following services can be paid with HOME TBA funds:

- 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 HTBA 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 HTBA rent assistance.

Additionally, HOME TBA program funds can partially pay for the cost of completing HQS inspections. See the **Reimbursing HQS Inspection Costs with Program Funds** section for more information.

**(B) Eligible Units**

Households identify the housing unit of their choice. Eligible properties may be publicly or privately owned and must meet Housing Quality Standards prior to occupancy and annually thereafter. If a unit receives a project-based rent subsidy through federal, state, or local programs, HTBA 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% of income. In such cases, HTBA could be provided as supplemental assistance to further reduce tenant's rent payment to 30% of their adjusted monthly income.

A unit developed or rehabilitated with HOME funding which 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% of the household's adjusted monthly income.

**(C) Payment of Utility Deposits**

Payment of utility deposits alone is not allowed. Utility deposits are eligible expenditures if they are in conjunction with a HTBA security deposit or rent assistance program. On their own, utility deposits are not considered rent assistance and are not an eligible use of HTBA funds. 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 telephone and cable television.

Any utility deposit remaining at the time tenant departs the unit can be kept by tenant.

#### **(D) *Payment of Security Deposits***

HTBA may 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. Security deposit is defined in ORS 90.100(41): “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.”
- The maximum amount of HOME funds that may be paid for a security deposit is no greater than the equivalent of two months’ rent for the unit.
- Only the prospective tenant, not landlord, may apply for HOME TBA security deposit assistance. However, the subgrantee must make payment directly to the landlord.
- The unit must pass a HQS inspection before tenant can move in or the security deposit can be paid.
- Any security deposit remaining at the time tenant departs the unit can be kept by tenant.

#### **(E) *Security Deposit Only Programs***

Subgrantee can assist tenant with payment of tenant’s security deposit regardless if tenant is or is not receiving ongoing rent assistance. 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 TBA program. Subgrantee shall complete any verifications required, including income qualification and household composition.
- The lease associated with the security deposit may not contain prohibited lease provisions unless landlord and tenant also sign subgrantee’s Lease/Rental Agreement Addendum which will take precedence over the lease terms.
- The rental lease and HOME TBA 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.
- 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 or develop a self-sufficiency plan.
- HOME TBA may be used to pay for refundable security deposits for households that have a Housing Choice Voucher Program voucher for rent 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 any App 3s to OHCS. Detailed instructions for completing and e-mailing App 3s are available on the OHCS website.
- Complete and submit the RFF (Request for Funds) Worksheet to OHCS along with the App 3s. Detailed instructions for completing the RFF Worksheet are available on the OHCS website.
- Submit a RFF (Request for Funds) in OPUS.
- For OHCS to approve subgrantee’s request for payment, the total funds spent as indicated on the RFF Worksheet and the total funds requested on the RFF submitted to OPUS must be the same amount.

**(G) *Reimbursing HQS Inspection Costs with Program Funds***

Subgrantee may submit requests for reimbursement of HQS inspection costs using a designated HTBA program allocation. Subgrantee may request up to \$35 for each inspection completed. Reimbursement is capped at an annual limit of an amount equal to 1.5% of subgrantee’s program allocation.

**(H) *Limited or Ineligible Uses of HOME TBA***

HOME TBA funds may 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. A tenant who is renting from a cooperative unit owner may 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. However, tenant and landlord could arrange for tenant’s rent contribution to be set aside for that purpose;
- Establish a specific HTBA program for the purpose of preventing displacement or providing relocation assistance to a tenant who is losing their housing because of displacement activity, unless the activity was funded, at least in part, with HOME money;
- Provide HTBA assistance to homeless persons for overnight or temporary shelter;
- Pay for case management or any staffing costs;
- Pay utility deposits unless tenant will also receive security deposit and/or rent assistance;
- Pay a rent subsidy for any housing that is an emergency shelter, a facility such as a nursing home, convalescent home, hospital, residential treatment facility, correctional facility, halfway house, housing for students, or dormitories, including farmworker dormitories;

- Pay rent arrearages;
- Purchase of gift cards for participants for any purpose.

## 4. Administrative Requirements

### (A) *MGA Operational Standards*

Master Grant Agreement (MGA) Operational Standards are specific identified criteria used to set a foundation of administrative, fiscal and service delivery expectations for community action agencies. The purpose of standing the standards is to ensure that no matter where individuals and families enter the homeless system, Oregonians will be provided the same access to quality services.

Five service delivery components have been included in the MGA Operational Standards. They are:

- (1) The use of Housing First;  
The Housing First Model encourages clients to create and implement their own goals while immediately housing or sheltering clients with no preconditions (except complying with a shelter code of conduct or standard lease agreement). Research has shown that Housing First programs increase housing stability for clients serve, are cost effective compared to traditional services that impose sobriety perquisites to shelter or housing and increase client utilization of other services. More information can be found at: <https://endhomelessness.org/resource/housing-first> or at <https://www.usich.gov/solutions/housing/housing-first/>.
- (2) Maximizing participation in Coordinated Entry;  
Coordinated entry is a process developed to ensure that all people experiencing a housing crisis have a single or coordinated point of entry and equal access to the homeless delivery system. This type of entry allows homeless persons and those at-risk of homelessness to be quickly identified, assessed, referred and connected to the appropriate shelter or housing, and assistance. It also facilitates the assessing agency's ability to prioritize the most vulnerable individuals and households for immediate assistance. More information can be found in the Homeless Coordinated Entry Process section of this manual and at <https://www.hudexchange.info/resources/documents/Coordinated-Entry-Policy-Brief.pdf>.
- (3) Ensuring availability of low-barrier shelters in the community;  
Low and no barrier policies allow homeless individuals and households to access shelter, housing and services without preconditions such as sobriety, compliance with treatment plan, no pets, or agreement to participate in specific programs, activities or classes. These policies allow the most in need to have access to shelter and housing. More information can be found at

[https://www.usich.gov/resources/uploads/asset\\_library/emergency-shelter-key-considerations.pdf](https://www.usich.gov/resources/uploads/asset_library/emergency-shelter-key-considerations.pdf).

- (4) Incorporating the lived experiences of homelessness into program design and implementation; and  
Incorporating the lived experience of homelessness into program design and implementation is a commitment and framework to include everyone, especially people with lived experience, in planning, implementation and evaluation. The Lived Experience Advisory Council in Canada developed seven principles for ensuring equitable participation for people with lived experiences that can further inform inclusion strategies. More information can be found at the Persons with Lived Experience Feedback section of this manual and at <https://www.usich.gov/news/people-with-lived-experience-must-be-meaningful-partners-in-ending-homelessness/> and <https://homelesshub.ca/sites/default/files/LEAC-7principles-final.pdf>.
- (5) Ensuring service provision has components for equity and racial justice.  
OHCS is committed to advancing equity and racial justice in alignment with the Statewide Housing Plan and informed by national promising practices and lived experience of communities of color. OHCS and Community Action Agencies commit to an intentional, data-driven approach to reduce disparities in housing and social service provision. Use of the EPIC Outcomes Tool to establish and measure equity and racial justice performance goals will help CAAs to analyze their progress in meeting these goals. More information can be found at the Performance Measure Requirements section of this manual and at <https://www.centerforsocialinclusion.org/our-work/our-four-strategies/>, <http://center4si.com/sparc/>, and <https://www.usich.gov/news/racial-equity-essential-component-of-our-nations-homelessness-response/>.

## **(B) System-Wide Performance Measures**

The Oregon Legislative Fiscal office adopted a set of criteria that agencies must meet when developing key performance measures. In alignment with the federal and state strategic plans to end homelessness, OHCS has established two performance measures:

- Increased housing stability as measured by the percentage of total program participants served who reside in permanent housing at time of exit from program;  
**and**
- Increased housing stability as measured by the percentage of program participants who at program exit reside in permanent housing and maintain permanent housing for six months from time of exit.

In addition to the current two required measures listed above, subgrantees will have the opportunity to choose additional performance measures from four categories – **E**nding Homelessness, **P**reventing Homelessness, **I**nclusion and Diversity, and **C**apacity of the Community (EPIC), as referenced in the Master Grant Agreement. The EPIC

Outcomes Tool is a table listing a selection of performance measures and outcomes under each of the four headings.

All performance measures use HMIS as their primary data source, unless otherwise noted.

These outcome measurements will be in addition to reporting of required universal data elements that track client characteristic and service data.

Reporting of the performance measures are required in the year-end report and is client household-based, not funding source. Assistance with HMIS data entry and reporting may be found on our website at: <http://www.oregon.gov/ohcs/Pages/housing-assistance-providers-in-oregon.aspx>.

Locating and following up with clients can be challenging. Strategies that have shown the best results include the following:

- ✓ Follow-up is provided by the case manager or staff whom the client knows and has worked with;
- ✓ Informing the client at time of intake/assessment of the need and value of follow-up and requesting their permission to contact them and/or other identified contacts after they exit the program;
- ✓ Securing multiple points of contact for the client prior to their exit such as a friend, family member, employer, landlord or someone who the client is likely to stay in touch with during the six month period;
- ✓ Utilizing the subgrantee's LIHEAP or OEAP list of clients to verify permanent housing since LIHEAP and OEAP can only be delivered to those residing in permanent housing; and
- ✓ Development of MOUs with other agencies such as DHS, Housing Authorities, CDCs, etc. to determine the housing status of clients.

Regardless of the method of follow-up utilized, subgrantees must obtain client permission through a signed release of information to contact others.

### **(C) Training**

Subgrantee and subrecipient staff that provide direct services and supervise staff who provide direct services and manage homeless grants must receive training and demonstrate competency, as documented through the CSBG Organization Standards #5.8 (Board) and #7.9(Staff). Training is an eligible expense of case management and may include:

- Trauma Informed Services
- Mental Health First Aid
- Harm Reduction
- Supporting Victims of Domestic Violence
- Local Coordinated Entry Policies and Procedures

- Fair Housing
- Best Practices in Serving Homeless and Chronically Homeless Families and Individuals

**(D) *Homeless Coordinated Entry Process***

Subgrantees and subrecipients are required to actively participate in and promote the Continuum of Care (CoC) coordinated entry process for their service area

**(E) *Persons with Lived Experience Feedback***

Subgrantees and subrecipients must develop a systematic approach for collecting, analyzing and reporting client satisfaction data. A person with lived experience feedback system must document the steps the subgrantee and subrecipient will use to review feedback and will include how the persons with lived experience feedback is used or not used. Feedback may be through surveys, participation on advisory boards and other formats and may be received by the subgrantee or subrecipient in person, on paper, by posting through a website or by email or other electronic means.

## **5. General Program Requirements**

**(A) *Release of Information***

Client information (including identifying the person as a client) should not be released without written authorization from the client. Subgrantees and subrecipients are required to have a signed agency Release of Information form for each adult member of the identified household authorizing the release of information pertinent to determining program eligibility, providing assistance/service, HMIS reporting and other relevant need for sharing information. Each adult member must complete and sign their own ROI privately and ROIs cannot be shared with other household members. Unaccompanied youth who are the head of household must also have a signed Release of Information form on file. Release forms must be time-limited and specific as to with whom and what information will be shared.

**OHCS is required to be listed** as an entity with which client information will be shared as it pertains to data collection and monitoring (including third-party audits and reviews).

Client refusal to sign a Release of Information must be documented, dated and kept in the client file. Client refusal to sign such authorization **cannot** be the basis for denying program services to otherwise eligible clients.

**(B) *Keeping Client Information Confidential***

Subgrantees and subrecipients must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Subgrantee and

subrecipient officers, employees and agents must be aware of and comply with the subgrantees' and subrecipients' confidentiality policies and procedures.

The confidential policy standards maintained by subgrantees and subrecipients must comply with all applicable local, state and federal requirements. All records shall be open for review to federal, state, and subgrantees' auditors and/or examiners in the course of their regular audits and monitoring functions of the HTBA program.

Confidential records includes all applications, records, files, and communications relating to applicants for, and clients of, HTBA funded services.

**Note to Domestic Violence Providers:**

Subgrantees and subrecipients must have procedures that ensure the safety and security of program participants who are victims of domestic violence, including maintaining strict confidentiality of records. Additionally, the address and location of EHA and SHAP funded domestic violence shelter facilities must be protected from public disclosure except as authorized by the director of the organization responsible for operations of the shelter.

**(C) *Electronic Confidentiality***

Electronic collection of client information requires procedures for ensuring confidentiality including:

- Computer terminals must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible for client records;
- Computer monitors must be cleared (or a screen saver activated) immediately after accessing a client record;
- Computer terminals must be on a "locked" mode or turned off if the terminal is unattended; and
- Access to personally identifiable HMIS data shall be given to only authorized personnel as necessary for performing the work required for the HTBA program.

**(D) *Tenant Selection Policy***

Sub-grantees must develop and use a Tenant Selection Policy. The policy shall be formatted in a written document and be available for review, either in printed or electronic format, at the public's request. The policy shall identify the population(s) which will be given a preference for assistance and specify how households will be selected for program participation. The policy is approved by the OHCS program analyst at the beginning of each biennium as part of the Funding Application. Sub-grantee may request approval for changes to the policy throughout the funding period, if needed.

Each subgrantee must base the criteria for their Tenant Selection Policy on local housing needs and priorities as determined by community needs assessments and in coordination with policies set by their local public officials and/or Continuum of Care

organization. OHCS may establish a preference or limit selection to target populations of individuals with special needs and persons with disabilities if pre-identified in the Consolidated Plan.

The written Tenant Selection Policy should 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.
- A detailed list of the selection criteria that will be used to identify priority applicants.
- Description of how the written wait list will be designed and used, or if subgrantee will use the local Housing Choice Voucher Program wait list. If using the Housing Choice Voucher Program list, subgrantee must acknowledge the household will retain their Housing Choice Voucher Program preference status and will be offered a Housing Choice Voucher by the Housing Authority when it becomes available to them.
- Any grant waivers obtained from HUD regarding regulatory requirements.
- 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 should address:

- Where and for how long applications will be accepted;
- Hours during which applications can be turned in;
- 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: 1) **Affirmative Marketing**, and 2) **Fair Housing, Non-Discrimination and Local Preference**; 3) **Equal Access**.

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

Preferences cannot 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 TBA program must be allowed to apply for or participate in other programs or forms of assistance.

### **(E) *Using a Waiting List***

To ensure that applicants are selected for assistance in a fair and equitable manner, subgrantee will need to create or adopt a waiting list. Using a waiting list is a federal requirement for the HTBA program. 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.

Subgrantee can create its own waiting list or use the existing Housing Choice Voucher Program housing waiting list. In determining which list to use, subgrantee will need to 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 should consider establishing a separate HTBA waiting list.
- 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 may choose to provide interim assistance to those households currently on the Housing Choice Voucher Program waiting list.
- If subgrantee wishes to implement a program that is very different from the area's Housing Choice Voucher Program, there may be no advantage in adopting the Housing Choice Voucher Program waiting list.

### **(F) *Application Intake***

Application information for a potential HOME TBA tenant must be completed in writing or electronically and must include a signed release of information. A client file should be created for each application and the application form must be filed in it, 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 application intake 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.

### **(G) *Applicant Notification***

All applicants must be notified in writing whether or not they qualify for HOME TBA assistance. A sample applicant notification form can be downloaded from the OHCS web site.

Persons denied HOME TBA assistance must be provided with a copy of the subgrantee's written appeal process. Applicants who are 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.

## **(H) Briefing and Authorization**

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

- Roles and responsibilities of tenant, landlord, and subgrantee, including self-sufficiency and 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;
- HQS 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 good 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.

## **(I) Determining Income Qualification**

The instructional resource for how to determine income eligibility for the HOME TBA 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 TBA services can start.

Once an applicant has an effective HOME TBA contract, their eligibility to participate in the program and receive rent subsidy must be confirmed at least annually. To ensure the annual 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 should begin 60 to 90 days in advance of tenant's one-year anniversary date. 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 may only be used to assist families with incomes at or below 80% of area median income, assistance to tenants whose incomes rise above 80% AMI must be terminated after subgrantee gives reasonable notice to tenant and landlord.

Interim redetermination of income when the tenant's circumstances change between annual re-examinations is not required. Subgrantee may develop their own written policy if they want to undertake interim determinations. Subgrantee must make sure their policy is used in a consistent manner for all households to which it pertains.

### **Annual Income**

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.

The 2013 HOME Rule requires the examination of at least two months' source documentation when determining household income. Source documents include, but are not limited to, 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.

Annual Income determination is consistent with the Housing Choice Voucher Program process for calculating annual income found at 24 CFR 5.611 or Technical Guide, 4350.3, 5-8. The link to that information is located in Appendix 1: **Applicable Rules and Regulations**.

Income of all adults in the household, including nonrelated individuals, must be counted -- within the limitations imposed by 24 CFR 5.611 or Technical Guide, 4350.3, 5-8. 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, and
- Children of live-in aides
- 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 less 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.

### **Re-verifying Income**

Income is only required to be verified annually. Income verification obtained six months prior to program entry is good for one year, even if Contract is less than a year and outside the initial six-month timeframe; however, income must be verified twelve months after program entry, regardless if client is still in a Contract period.

### **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.

## **(J) *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 at the same time 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.
- 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 TBA 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. They must not conflict with space requirements of the Housing Quality Standards (See 24 CFR 982.401(d)) regulations; and they must be applied consistently for all households of like size and composition. 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 the opposite sex (other than spouses/couples) or unrelated adults;
- Household includes a live-in care attendant who is not a member of the family;
- Medical problems and chronic illness necessitate separate bedrooms for household members or accommodation of specialized medical equipment.

A household may select smaller units if that arrangement will not create seriously overcrowded conditions. Participants may 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 FMR for the number of bedrooms for which the household qualifies is used to determine tenant's portion of the rent.
- If a tenant elects to occupy a unit with more bedrooms than specified in the Occupancy Standards, the FMR 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.
- A tenant may decide to rent a unit with more bedrooms than specified but with a smaller monthly rent than the FMR for a unit with the appropriate number of

bedrooms. In this case, the actual rent will be used to determine tenant's rent subsidy.

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

### **(K) *Housing Quality Standards (HQS)***

When tenant finds an acceptable unit, tenant will notify subgrantee. Housing selected by a prospective tenant, or a tenant living in place, must meet Housing Quality Standards (HQS) requirements before rental assistance or security deposit assistance can be provided. Housing Quality Standards are the livability criteria housing must meet before it can be rent-assisted with HOME TBA funds. If the unit initially fails HQS, the contract and lease agreement or addendum cannot be executed until landlord has made all repairs and unit has passed a follow-up inspection. (An exception may be made for corrections to defective exterior paint during the winter in climates where the weather makes immediate repair impossible.) The results of each inspection must be recorded on an inspection form and retained in tenant's file.

All units under a HOME TBA contract must be inspected at the time of initial leasing, at least annually after the initial approval, and as a result of housing quality complaints initiated by either landlord or tenant. The inspection and correction criteria for an annual re-inspection are the same as HQS requirements for the initial inspection.

If a unit fails to pass an interim or annual inspection, the landlord may be given a reasonable period (e.g.; 24 hours for emergency conditions or 30 days for less serious conditions) to correct the deficiency/ies. If the landlord fails to make the needed corrections, subgrantee has several options:

- Subgrantee may, with adequate notice to landlord and tenant, terminate the HOME TBA contract and require tenant to move to another location in order to continue to receive assistance;
- Subgrantee may temporarily suspend its payments until landlord remedies the HQS deficiency/ies. This option could make it necessary for tenant to pay full rent in order to prevent eviction.

Only persons who have been approved as HQS inspectors may conduct the HQS inspection. 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 located in Appendix 1: **Applicable Rules and Regulations**.

### **(L) *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 TBA Lead-Based Paint Routine Inspection Procedures and Responding to an EBL Child in HOME TBA 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. If subgrantee can document that tenant received the pamphlet previously, subgrantee is not required to provide it again.

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 may be completed in conjunction with the HQS inspection if the inspector is qualified. At Intake, it should be noted on the application form if there will be any child in the household younger than 6 years. This information should be provided to the HQS inspector prior to their examination of the proposed rental unit.

HOME TBA contracts cannot 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.

### **(M) 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 should 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 TBA 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.

**(N) *Appendix (App) 3 and RFF Workbook***

The App 3 and RFF Workbook are the documents OHCS uses to set up and track the client’s HOME TBA grant for subsidy payment. The App 3 provides OHCS with identifying and demographic information about the household, the beginning and ending dates of the contract, income eligibility and the amount of subsidy. Subgrantee submits the App 3 and RFF Workbook to OHCS electronically and retains the paper App 3 in the participant’s file.

Detailed instructions for completing and submitting the App 3 and RFF Workbook are available on the OHCS web site.

**(O) *Final Subsidy Calculation***

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

- The family's income -- the lower the family's income, the higher the amount of subsidy;
- The fair market rent (FMR) for the unit type and size; and
- The cost of rent and utilities for the actual unit the family selects.

Subgrantee shall require that tenant contribute at least \$10 toward monthly housing or utility costs.

Tenant will pay more than 30% of their adjusted income for rent and utilities if the rent for tenant’s unit is greater than the FMR. This situation can occur if tenant selects a unit with a high rent or if tenant meets occupancy standards for one size of unit but chooses to rent a unit with more bedrooms at a higher rent. EHA funds can be used to pay rent subsidy in conjunction with HOME TBA rent subsidy for units with rents above the area FMR. Subgrantee may choose to use EHA funds to pay the difference between actual gross rent and the rent standard in these cases. (See section on Rent Standard and the examples that follow it).

**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 may 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.

### **Fair Market Rent (FMR)**

HUD establishes FMRs to determine rent ceilings for HUD-funded rent assistance programs. HUD publishes the FMR schedule annually for 530 metropolitan areas and 2,045 non-metropolitan county areas across the U.S. When using HTBA funds for rent assistance, subgrantees must consult the most current FMR published for their geographic area.

No geographic area has more than one FMR standard. However, if subgrantee's service area covers multiple cities or counties, FMRs could be different for each county. Subgrantee must use the appropriate FMR for the geographic area in which the assisted rental unit is located. Subgrantee should print and place in client files a copy of the applicable FMR data, or provide other documentation to verify the correct FMR for that participant's unit size and geographic area was used.

Subgrantee may find a community's rents as a whole are higher than the FMR, or that rents for a specialized type of unit are higher, i.e.; one-bedroom units or ADA-compliant units. If subgrantee determines the rents of available units in the area exceed the FMR limitation, subgrantee should provide their findings to the OHCS HOME TBA program analyst for discussion. An exception to the FMR amount may be available.

### **Rent Standard**

The payment standard or rent standard is the rent amount used in the process of calculating the rent subsidy. It is the lesser of the actual gross rent (rent and utilities) of the unit or the FMR.

If actual gross rent exceeds the FMR, the amount of HTBA subsidy is based on the FMR amount. If actual gross rent is less than the FMR, the amount of HTBA subsidy is based on the actual gross rent.

(see next page for examples)

## 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) Fair market rent is \$740.
- (4) The Smith household's \$50 contribution is not enough to pay utilities or rent.
- (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 or FMR)	
<u>-50</u>	Tenant contribution to gross rent	
-690	Subgrantee subsidy payment	
\$762	Gross rent	
-690	Subgrantee subsidy payment	
<u>-50</u>	Tenant contribution to gross rent	
\$22	Rent overage (gross rent is \$22 higher than FMR)	
\$22	Rent overage	
<u>+50</u>	Tenant contribution to gross rent	
\$72	Total tenant contribution	

### Example 2

- (1) Thirty percent of the Jones household's monthly adjusted income is \$280.
- (2) The unit's rent is \$700 and utility allowance is \$62.
- (3) Fair market rent is \$740
- (4) 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 or FMR)	
<u>-280</u>	Tenant contribution to gross rent	
460	Subgrantee subsidy payment	
\$762	Gross rent	

-460	Subgrantee subsidy payment
<u>-280</u>	Tenant contribution to gross rent
\$22	Rent overage
\$22	Rent overage
<u>+280</u>	Tenant contribution to gross rent
\$302	Total tenant contribution

### **(P) *Limitations on Subsidy Amount***

The amount of subsidy awarded has certain restrictions:

- The monthly HOME TBA rent subsidy may not exceed the difference between the rent standard and 30% of the household's monthly adjusted income.
  - Subgrantee may choose to use EHA funds to pay for any rent overage resulting when the actual gross rent exceeds the rent standard.
- Subgrantee shall require that tenant contribute at least \$10 toward monthly housing or utility costs.
- Security deposits must be no more than the total of two month's rent and must be consistent with local market practices.
- Each subsidy contract must be for no more than 12 months. Contracts can be renewed for up to 12 months at subgrantee's discretion.
- Payment of a prorated partial month's rent is allowed and is not counted as part of the contract period. Subgrantee can pay up to the amount of one month's rent subsidy and tenant owes any remaining balance.

### **(Q) *Client Contract and Lease Agreement***

Subgrantees are asked to contact the OHCS Program Analyst regarding contract documents and addendums to ensure lease and contract terms meet HUD and OHCS requirements.

#### **Rent Assistance Program Contract and Addendum**

Once the unit has passed HQS and subgrantee has determined the unit rent is acceptable, subgrantee, landlord and tenant enter into a HOME TBA Rental Assistance Program Contract. The contract sets out the responsibilities of subgrantee, tenant and landlord during the period tenant receives HOME TBA rent assistance. It is signed by all three parties.

A Contract Addendum can be used to renew HOME TBA 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**

A Security Deposit Program Contract is available for use when the HTBA contract is only for payment of a refundable security deposit with or without a utility deposit. For HTBA 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 enter into 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 TBA funds, including when the only HOME TBA assistance is payment of a security deposit.

Subgrantee must review the lease/agreement to make sure it does not include any prohibited provisions and use an OHCS-approved Lease Addendum, 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 TBA 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 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. If the Contract term expires and is renewed, then a new VAWA Lease Addendum must be executed at the time of the Contract renewal.

## **(R) *Coordination of Lease and Contract Effective Dates***

Tenant and landlord will be required to enter into both the landlord's lease or rent agreement and subgrantee's HOME TBA contract. Except for grants for the Security Deposit Only program, the term of the HOME TBA contract must begin on the first day of the term of the lease and the term of the contract must terminate on termination of the lease. The first day of the term of the lease is the date of the written permissible occupancy stated in the lease.

Example: The lease agreement is signed on June 13, 2011, but the term of the lease doesn't start until July 1, 2011. The term of the HOME TBA contract will also begin on July 1, 2011. For Security Deposit Only grants, the lease and contract must begin on the same day, but the contract will be only for the payment of the

security deposit and no coordination with the termination of the lease is required.

The initial term of the lease and contract shall be for one year unless a shorter term is implemented by mutual agreement between landlord, tenant and subgrantee.

When a lease is terminated by landlord due to a violation by tenant, subgrantee must terminate the contract effective the same date. Subgrantee may choose to assist tenant under a new contract for a different unit or may terminate tenant from the rent assistance program according to subgrantee's termination policy.

### **(S) *Prohibited Lease Provisions***

The lease may 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.
- Participation in supportive services: Agreement by tenant that participation in supportive services related to a disability is mandatory for tenant to retain occupancy, unless tenant is a resident of transitional housing.

### **(T) Self-Sufficiency Plans**

HOME TBA recipients are required to participate in self-sufficiency plans as a condition of selection for HOME TBA assistance. Subgrantee helps the household develop a plan based on an assessment of the household's needs. (See next paragraph for exception.)

Exception: If subgrantee determines, based on the assessment, the household will not benefit from completing a self-sufficiency plan, subgrantee may waive the requirement. Examples of situations where a waiver may be appropriate are: Adult is terminally ill; adult is disabled and on the wait list for a Housing Choice Voucher; adult cares full time for a disabled child; or adult has already successfully completed a self-sufficiency plan. If subgrantee waives the self-sufficiency requirement, the client file must provide a complete description of the reason for the waiver.

The self-sufficiency plan 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. If a client completes their self-sufficiency plan goals but continues to need rental assistance and subgrantee does not grant a waiver, the client should begin a new self-sufficiency plan. If a client 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 TBA assistance.

If a client refuses to continue with his/her self-sufficiency plan, subgrantee may not terminate assistance based solely on client's choice to stop participating in the self-sufficiency program. After the current contract ends or is terminated for other reasons, subgrantee may base their decision about providing additional assistance on tenant's willingness to work with a self-sufficiency plan.

Persons with disabilities cannot be required to participate in medical or disability-related services as part of a self-sufficiency plan.

### **(U) Termination of Assistance**

Subgrantee must develop a written termination policy which states the grounds upon which subgrantee will terminate its HOME TBA contract with either client or landlord or refuse to renew a client's HOME TBA rental assistance, and describes the notification procedure subgrantee will use. The policy should also state how any termination of tenancy will affect possible future HOME TBA assistance for a client and in what circumstance(s) HOME TBA assistance may be continued.

### **Subgrantee's Criteria for Termination of Contract with Tenant**

Reasons subgrantee may 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; NOTE: tenant's refusal to complete a self-sufficiency plan is not an eligible termination criteria;
- Tenant no longer occupies the unit; or
- Other circumstances have occurred which are contrary to HOME TBA program requirements or subgrantee's written policies.

### **Subgrantee's Criteria for Termination of Contract with Landlord**

Reasons subgrantee may 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 timely;
- 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 TBA program requirements or subgrantee's written policies.

Subgrantee shall 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 will not terminate tenant's tenancy or refuse to renew tenant's lease except for serious or repeated violation of the terms and conditions of the lease or for violation of applicable federal, state or local law. Landlord must provide tenant with written notice which must meet Oregon landlord and tenant laws regarding reason for lease termination or eviction, content of the notice, amount of time provided to tenant, any opportunity for tenant to resolve issues, appeal rights, and any other language and information required by law and in compliance with fair housing regulations.

Landlord must notify subgrantee in writing when eviction proceedings are begun. This may be done by providing subgrantee with a copy of the notice provided to tenant. Documentation of the reason(s) for termination of the lease must be included in tenant's file.

In the event of eviction, subgrantee may continue to assist tenant in another unit. Subgrantee may also elect not to continue the HOME TBA assistance with tenant

if subgrantee can document that tenant is not in compliance with subgrantee's written policies or HOME TBA program requirements.

### **(V) Moves**

Tenant may elect to move to another unit, if permitted by the lease agreement. When tenant decides to move, subgrantee must terminate the HOME TBA 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 should require tenant to give a minimum of 30 days advance notice of its 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 may use HTBA 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 make it clear 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. Subgrantee will need to re-determine eligibility and complete subsidy calculations for the new unit. Subgrantee may also elect not to continue the HOME TBA assistance with tenant if subgrantee can document tenant is not in compliance with the local HOME TBA program.

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

### **(W) 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.
- 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 HTBA 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.

<b>COVERED HOUSING PROVIDER RESPONSIBILITIES</b>		
	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 these suggestions: 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 time 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 time periods, nor does the Final Rule divide the allowable extensions for establishing eligibility and finding new housing into two 30-day time periods. The 90-day time 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 in order 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.

**(X) Denial of Assistance**

Subgrantees and subrecipients must have written termination, denial, and grievance policies and procedures. The policies and procedures should be readily available to program participants either at intake or by posting the policy in a

public place. It is important to effectively communicate these policies and procedures to applicants/clients and ensure they are fully understood.

Subgrantees and subrecipients are required to provide written notice to applicants/clients when denied program assistance. The notice must include the specific reason(s) for the denial and identify the steps to appeal the subgrantee's and subrecipient's decision.

### **(Y) *Grievance and Appeals Process***

Subgrantees and subrecipient are required to have an established, written process for addressing client grievances for decisions, including termination or reduction of benefit, denial of benefit or other grievance. At a minimum, the process must include the following components:

- Informs the participant/applicant of the policy and policy must be posted in general locations in which a client/applicant is expected to be;
- Informs the participant/applicant that they may contest any subgrantee's or subrecipient's decision that denies (for any reason) or limits eligibility of participant/applicant and/or terminates or modifies any benefits and identifies the steps to follow to contest the decision;
- Allows any aggrieved person a minimum of thirty days to request an administrative review;
- Informs the applicant/participant of their right to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the decision;
- Informs OHCS of the request for administrative review within 10 days of receiving the request; and
- Informs the applicant/participant and OHCS in writing of the final determination and basis for the decision within ten days of the determination.

Any person or persons designated by subgrantee and subrecipient can complete the administrative review, other than the person who made or approved the decision under review or a subordinate of this person.

Subgrantees and subrecipients must make accommodations for clients who have language or disability barriers that would prevent them from participating in the appeals process.

OHCS retains the right to require modification of any review or appeals process that in its determination does not meet basic principles for notification, instruction, time allowance, impartiality, access and other necessary components.

**(Z) Outreach to Prospective Landlords**

Data that documents the length of time between an applicant's acceptance into the program (i.e.; issuance date of a coupon) and securing a unit can be used to gauge the availability of acceptable rental housing in subgrantee's region. A long period, or a disproportionate length of time for one or more demographic households, is a good indicator outreach to landlords needs to be started or expanded.

**(AA) Conflict of Interest**

A conflict of interest may arise when a subgrantee offers HOME TBA-assisted rent assistance to an applicant if certain elements are present. Conflicts of interest may exist if the situation involves any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction or subgrantee.

No person described above who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME TBA funds or who is in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME TBA-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME TBA-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

Immediate family ties include, whether by blood, marriage or adoption: spouse, parent, stepparent, child, stepchild, brother, sister, stepbrother, stepsister, grandparent, grandchild, and in-laws of a covered person.

Potential conflicts of interest include:

- Requests for program assistance from employees and/or families of employees, or board members and/or families of board members of subgrantee or subrecipient;
- A tenant receiving rent assistance who wants to rent a unit owned or managed by an employee or relative of an employee of subgrantee or subrecipient.

Subgrantee is responsible for identifying situations in which a conflict of interest may exist. If a conflict of interest is present or anticipated, subgrantee must ask OHCS to request an exception from HUD if appropriate. Upon receipt of OHCS's materials, HUD will use criteria described in 24 CFR 92.356(e) to determine if a conflict of interest exists. Approval must be received from HUD before subgrantee can commit funds.

Subgrantees and subrecipients cannot steer potential renters to units owned or operated by the subgrantee or subrecipient, if the renters will be using a rent subsidy paid with any OHCS funds. Rent-subsidized tenants are free to enter into

a rental contract with another landlord within the subgrantee or subrecipient's jurisdiction or they may choose to rent a unit owned or operated by the subgrantee or subrecipient. A waiver request is not required for this situation; however, subgrantees and subrecipients must comply with this provision of the conflict of interest policy.

HUD grants exceptions on a case-by-case basis. HUD can decide no conflict exists or granting an exception will further the purposes of the HOME TBA program. (i.e.; A board member owns and manages an apartment complex in a small community where there is a limited stock of rental housing. HUD grants an exception so tenants eligible for rent assistance will have available units.) To request an exception, OHCS must provide the following to HUD:

- An explanation of the conflict, accompanied by a description of the public disclosure of the conflict, (see NOTE below), including the date(s) the public disclosure took place, and
- An opinion from OHCS's attorney that the interest for which the exception is sought would not violate state or local law. Subgrantees will be expected to pay the billing costs of the State's attorney for this opinion.

NOTE: There are a number of different methods to satisfy the public disclosure requirement. OHCS must determine that subgrantee completed acceptable public disclosure in a manner relevant to the circumstances. Examples of appropriate disclosure could be a memo to the file by a responsible manager or inclusion in published board minutes.

### **(BB) Match Requirements**

Many subgrantees pay for HOME TBA client case management with part of their EHA allocation. EHA funds can also be used to pay rent subsidy in conjunction with HOME TBA rent subsidy for units with rents above the area FMR. OHCS may require subgrantees to report as HOME TBA match the amount of EHA used for each purpose.

## **6. Financial Management**

### **(A) Administration**

HOME TBA 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 may 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 with regard to the HOME TBA 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 inspecting housing units and 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) Use of OPUS**

The OPUS System is a web-based centralized data system designed to meet business-processing needs. Subgrantee staff must complete training before being authorized to use the fiscal operations program of OPUS. Training can be provided by the Fiscal Grant Specialist at OHCS.

OHCS maintains an OPUS Manual and OPUS Help Desk. Staff can be reached at:

**Email:** [opushelp@oregon.gov](mailto:opushelp@oregon.gov)

**Ph:** (503) 986-2099

**Toll Free:** (800) 453-5511 Option 6

**(C) *Request for Funding Documentation***

Subgrantee must retain supporting documentation of all costs charged to the grant and be able to provide evidence that grant funds were spent on allowable costs. When subgrantee submits a Request for Funds (RFF) on OPUS, they are required to download documentation of the costs for which they are requesting payment. Any RFF submitted without accompanying documentation or with insufficient documentation will be returned to the subgrantee with instructions to provide additional information.

**(D) *Budget Change Requests and Implementation Report Amendments***

Changes in a subgrantee's scope of work may necessitate the submission of a budget change request. All budget changes require OHCS approval by submitting a Budget Change Request form electronically to: [mga.fiscal@oregon.gov](mailto:mga.fiscal@oregon.gov).

At the discretion of OHCS, additional information or an Implementation Report Amendment Request form may be required for a budget change request.

Implementation Report Amendments are required when there is a shift in program delivery and/or scope of work. All Implementation Report Amendments require OHCS approval by submitting an Implementation Report Amendment Request form electronically to: [crd.reports@oregon.gov](mailto:crd.reports@oregon.gov).

Subgrantees must notify, within 30 days, and receive approval from OHCS when adding subrecipients. Notification and approval normally occurs during the Master Grant Agreement funding application process; however, if changes are made outside of the funding application, subgrantees must notify OHCS and obtain approval by submitting an Implementation Report Amendment Request form electronically to [crd.reports@oregon.gov](mailto:crd.reports@oregon.gov).

**(E) *Funds Spend Down***

Subgrantees are expected to fully obligate or expend grant funds during each funding cycle and after expending funds from a previous funding cycle. OHCS will review subgrantee's grant spending in accordance with subgrantee's Master Grant Agreement and OHCS policy. Contact your OHCS Program Analyst for any questions regarding your expenditure of funds.

**(F) *Purchasing***

Purchases of equipment or property are subject to additional provisions and requirements as stated in the Master Grant Agreement Standard Terms and Conditions and Special Provisions exhibits. Fixed assets with a value greater than \$5,000, includes computer equipment, electronic equipment, photography equipment, hand tools and other items. Title to all equipment purchased in whole

or part with OHCS funds must be in the name and possession of the subgrantee. Subgrantee shall prohibit its subrecipients from using OHCS funds to purchase equipment. Disposal of any item having an original cost of more than \$5,000, and which is currently valued above \$5,000, requires prior OHCS consent. Property and equipment purchased with OHCS grants shall not be used for collateral or to secure financing.

Purchasing contracted services should only occur when the skills, knowledge and resources are not available within subgrantee's organization or the subgrantee is unable to complete the work within require time limitations. A contractor must be registered to do business in Oregon and have necessary credentials of expertise. Subgrantee is expected to obtain multiple bids or pricing. If using a sole source contract, subgrantee must have written documentation to explain why they were not able to obtain more options.

## 7. Reporting Requirements

### (A) *Data Entry*

Subgrantees and their subrecipients are required to enter HTBA related client and service data into the ServicePoint Homeless Management Information System (HMIS), except for data of victims of domestic violence clients, which must be entered into a comparable database system that meets HMIS standards. Projects serving survivors of domestic violence where the operator is not a victim services provider are required to enter data in their HMIS. Subgrantees and subrecipients are responsible for acquiring and documenting informed written consent from program participants, and protecting program participant's confidentiality.

Additional guides and assistance with HMIS data entry, data quality and reporting may be found on our website at: <http://www.oregon.gov/ohcs/Pages/housing-assistance-providers-in-oregon.aspx>.

### (B) *Data Timeliness*

Timely and accurate data entry is critical to ensuring meaningful data analysis and reporting. Therefore, it is recommended that subgrantees and subrecipients enter data within three business days.

### (C) *Required Data Elements*

HMIS Universal and OHCS-required Data Elements that must be collected include, but are not limited to:

1. Name
2. Social Security Number
3. Date of Birth
4. Race

5. Ethnicity
6. Gender
7. Veteran Status
8. Disabling Condition (inclusive of type)
9. Income and Sources
10. Non-Cash Benefits
11. Health Insurance
12. Living Situation
13. Project Start Date
14. Project Exit Date
15. Housing Move-In Date
16. Destination
17. Relationship to Head of Household
18. Client Location

**(E) Comparable Database**

Victim service providers are prohibited from entering data in HMIS; however, they are required to maintain comparable databases of their own design which provide aggregate information and data consistent with HMIS data collection requirements.

Comparable Databases must have the following characteristics:

- The victim service provider controls who can access and see client information.
- Access to the database is carefully controlled by the victim service provider.
- Meets the standards for security, data quality, and privacy of the HMIS within the Continuum of Care. The Comparable Database may use more stringent standards than the Continuum of Care's HMIS.
- Complies with all HUD-required technical specifications and data fields listed in HMIS.
- Be programmed to collect data with the most up-to-date HMIS Data Standards.
- Have the functionality necessary to de-duplicate client records within each system in order to provide an aggregate and unduplicated count of clients by project type.
- Be able to generate all reports required by federal partners, for example, the HUD-CoC APR and the HUD-ESG CAPER.
- Data fields that can be modified and customized by the victim service provider to benefit clients.

Additionally, individual survivor data must be routinely destroyed as soon as the program no longer needs it to provide client services or to satisfy grant/legal requirements. Victim service providers may suppress aggregate data on specific client characteristics if the characteristics would be personally identifying. Finally,

the program's contract with the database vendor should include binding agreements to ensure security of and program control over client data.

A Comparable Database 101 document is available on our website at:

<https://www.oregon.gov/ohcs/Pages/best-practices-hmis.aspx>

## **(F) Reporting Requirements**

Subgrantee is not required to submit quarterly HOME TBA reports at this time. OHCS may make this a requirement in the future. Subgrantees are required to submit an annual report within the timeframe set by OHCS. At the discretion of OHCS, reports may be required when deemed necessary to provide program utilization and performance information. Assistance with HMIS data entry, data quality and reporting may be found on our website at: <http://www.oregon.gov/ohcs/Pages/housing-assistance-providers-in-oregon.aspx>.

## **8. Records Requirements**

### **(A) Client Files**

Documentation of client eligibility and services received must be maintained in printed or electronically-saved client case files, including files for applications found to be ineligible. Files for applicants found to be ineligible for assistance or for clients who are no longer eligible to receive assistance will include documentation of why they are ineligible and how that was determined. File documentation will be the basis of OHCS monitoring to ensure subgrantee is in compliance with program requirements and HUD regulations. Subgrantee must make sure any subrecipients assisting Subgrantee with the HOME TBA 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
- ServicePoint 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 TBA 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 TBA Contract and/or Addendum
- VAWA Addendum, Notice of Occupancy Rights, and Emergency Transfer Plan
- 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 Web Site***

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**.

### **(C) *Electronic Files and Documents***

If client file documents and signatures or policy documents are collected and maintained electronically, required documentation must be made available to OHCS in paper form when requested.

### **(D) *Record Access***

Subgrantee and its subrecipients shall furnish representatives of OHCS, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives, access to and the right to copy all program client and fiscal records, accounts and documents, and allow reasonable access to property pertaining to the program, at any such representative's request. At the sole discretion of OHCS, access to records shall include the removing of records from subgrantee's office.

### **(E) *Record Retention***

Subgrantees and subrecipients shall retain all program records pertinent to client services and expenditures incurred under HTBA in a manner consistent with the requirements of state and federal law. This includes, but is not limited to, those

requirements listed in Administrative Rule, Operations Manual and Special Schedules. Find the OHCS Special Schedule at the Oregon State Archives: (<http://arcweb.sos.state.or.us/pages/recmgmt/sched/state.html>);

Find the State Agency General Records Retention Schedules at the Oregon State Archives: ([http://arcweb.sos.state.or.us/pages/rules/oars\\_100/oar\\_166/166\\_300.html](http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_166/166_300.html)).

Subgrantees and subrecipients shall retain and keep accessible all such **fiscal and program records**, client records, digital and electronic records, books, documents, papers, plans, and writings for a minimum of **(6) six years**, or such longer period as may be required by applicable law, whichever date is later. Applicable law includes the following final payment and termination of HTBA funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to, HTBA.

## 9. Monitoring

OHCS will conduct a program monitoring of subgrantees once every three years or more frequently at OHCS' discretion. Fiscal monitoring will be conducted annually unless circumstances require sooner. Subgrantees will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide subgrantees with a written monitoring report inclusive of any findings, concerns or comments. Subgrantees are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of HTBA funds to OHCS.

Subgrantees must notify and receive approval from OHCS when adding subrecipients and/or renewing subrecipients. Notification and approval normally occurs during the Master Grant Agreement funding application process. However, if changes are made outside of the funding application, subgrantees must submit a Implementation Report Amendment Request form.

## 10. Subrecipient Monitoring

Subgrantees must monitor their subrecipient organizations at least once during a biennium or the term of the Master Grant Agreement, as determined by OHCS. Subrecipient organization monitoring procedures must be in place and adequately ensure compliance with EHA, SHAP, and LIRHF program requirements. Monitoring reports will be retained by the subgrantee and available for review by OHCS or other authorized entity.

**All subrecipients must comply with all program rules and regulations as noted in this manual, the Master Grant Agreement, Program Element: Scope of Work.**

## **11. 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 TBA Lead-Based Paint Routine Inspection Procedures; and  
Responding to an EBL Child in HOME TBA 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. Map and list of subgrantee community action agencies and housing authorities: <http://www.oregon.gov/ohcs/CRD/CSS/docs/homeless-referral-list.pdf>
9. OMB Circular A-133 (Audit Requirements): HOME-funded state recipients, subrecipients and CHDOs acting as subrecipients are required to have audits. Audit thresholds and requirements are outlined in OMB Circular A-133.
10. This manual as a guideline for HTBA, and all other references made within this manual.
11. Occupancy standards: <http://www.law.cornell.edu/cfr/text/24/982.402> or <http://www.gpo.gov/fdsys/pkg/CFR-2006-title24-vol4/pdf/CFR-2006-title24-vol4-part982.pdf>
12. Housing Choice Voucher Program definition of annual income found at 24 CFR 5.609: <http://www.ecfr.gov/cgi-bin/text-idx?SID=4d819304bac0f69da102ff6ec30d36be&mc=true&node=pt24.1.5&rgn=div5>
13. Annual HUD income limits: <http://www.oregon.gov/ohcs/pages/research-income-rent-limits.aspx> or <https://www.hudexchange.info/programs/home/home-income-limits/>
14. 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/>

15. 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
16. HUD Housing Choice Voucher Program Guidebook:  
[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/guidebooks/7420.10G](https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/guidebooks/7420.10G)
17. HUD Visual Assessment Training:  
<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>
18. Limited English Proficiency federal interagency website can be found at:  
<http://www.lep.gov/> and guidance can be found at:  
<http://www.hud.gov/offices/fheo/promotingfh/FederalRegistepublishedguidance.pdf>  
and FAQs can be found at:  
[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)
19. HMIS Data Standards: 24 CFR 121, See HUD’s Office of Community Planning and Development Notice CPD13-017, as amended, at:  
<https://www.hudexchange.info/resource/2917/2013-draft-hmis-data-standards/> and the HMIS Data Standards Manual at: :  
<https://www.hudexchange.info/resource/3824/hmis-data-dictionary/>
20. 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](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/healthyhomes/lead)
  - (c) US Environmental Protection Agency: <http://www2.epa.gov/lead>
  - (d) The LBP pamphlet may be downloaded from HUD’s LBP website:  
<https://www.hudexchange.info/resource/2114/epa-brochures-and-posters/>
21. 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>
22. ORS cited are amended from time to time and can be found at:  
[https://www.oregonlegislature.gov/bills\\_laws](https://www.oregonlegislature.gov/bills_laws)
23. OARs cited are amended from time to time and can be found at:  
<http://arcweb.sos.state.or.us/pages/rules/access/numerically.html>
24. 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**

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
HH	Household
HMIS	Homeless Management Information System
HOME TBA	HOME Tenant-Based Assistance Program
HQS	Housing Quality Standards
HTBA	HOME Tenant-Based Assistance Program
HUD	United States Department of Housing and Urban Development
IDIS	Integrated Disbursement and Information System
LBP	Lead-Based Paint
LIRHF	Low-Income Rental Housing Fund
OAR	Oregon Administrative Rule
OHCS	Oregon Housing and Community Services
ORS	Oregon Revised Statute
PHA	Public Housing Authority
PJ	Participating Jurisdiction
SSN	Social Security Number
USC	United States Code
VAWA	Violence Against Women Act

### **(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 TBA 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 TBA-funded assistance.

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.

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.

EPIC Outcomes Tool is a table listing a selection of performance measures and outcomes under each of the four headings of Ending Homelessness, Preventing Homelessness, Inclusion and Diversity; and Capacity of the Community. CAAs will have the opportunity to choose additional performance measures from this listing.

Essential Components of Service Delivery are included in the MGA Operational Standards. They are the use of Housing First, maximizing participation in Coordinated Entry, ensuring availability of Low-Barrier Shelters in the community, incorporating the Lived Experiences of Homelessness into program design and implements and ensuring service provision has components for Equity and Racial Justice.

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 TBA 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. OHCS uses ServicePoint as their HMIS; however, for domestic violence shelters, a comparable database must be used instead of ServicePoint (see **Reporting Requirements** section of this manual).

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 First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements.

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.

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.

MGA Operational Standards are specific identified criteria used to set a foundation of administrative, fiscal and service delivery expectations for CAAs. The purpose of establishing the standards is to ensure that no matter where individuals and families enter the homeless system, Oregonians will be provided the same access to quality services.

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 TBA follows those standards. Generally, standards require the dwelling unit to have at least one bedroom or living/sleeping room for every two persons.

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 TBA 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.

Subgrantee: Community action agencies (or other qualified entities) that receive HOME TBA 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.

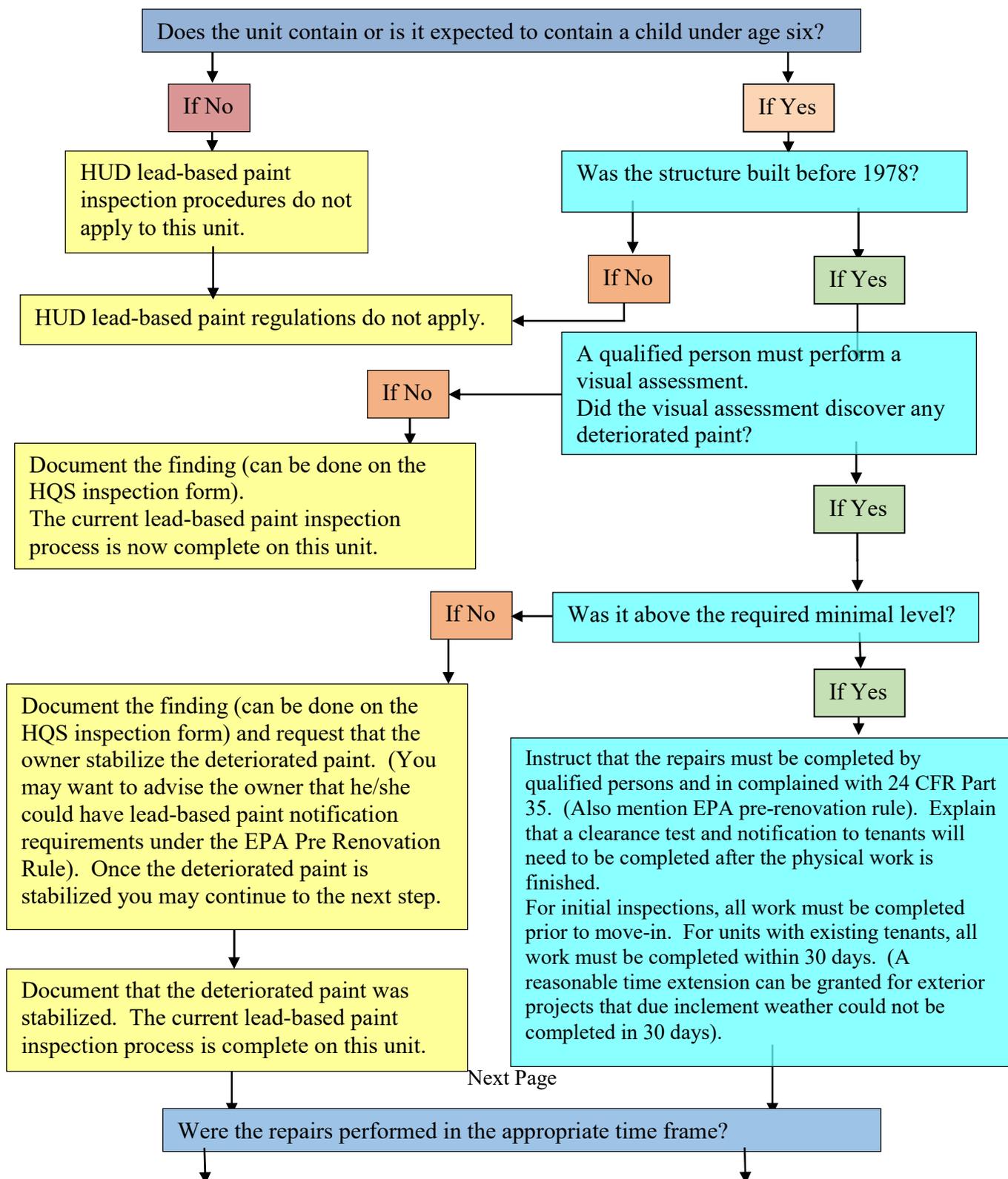
VAWA: Violence Against Women Act. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.

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

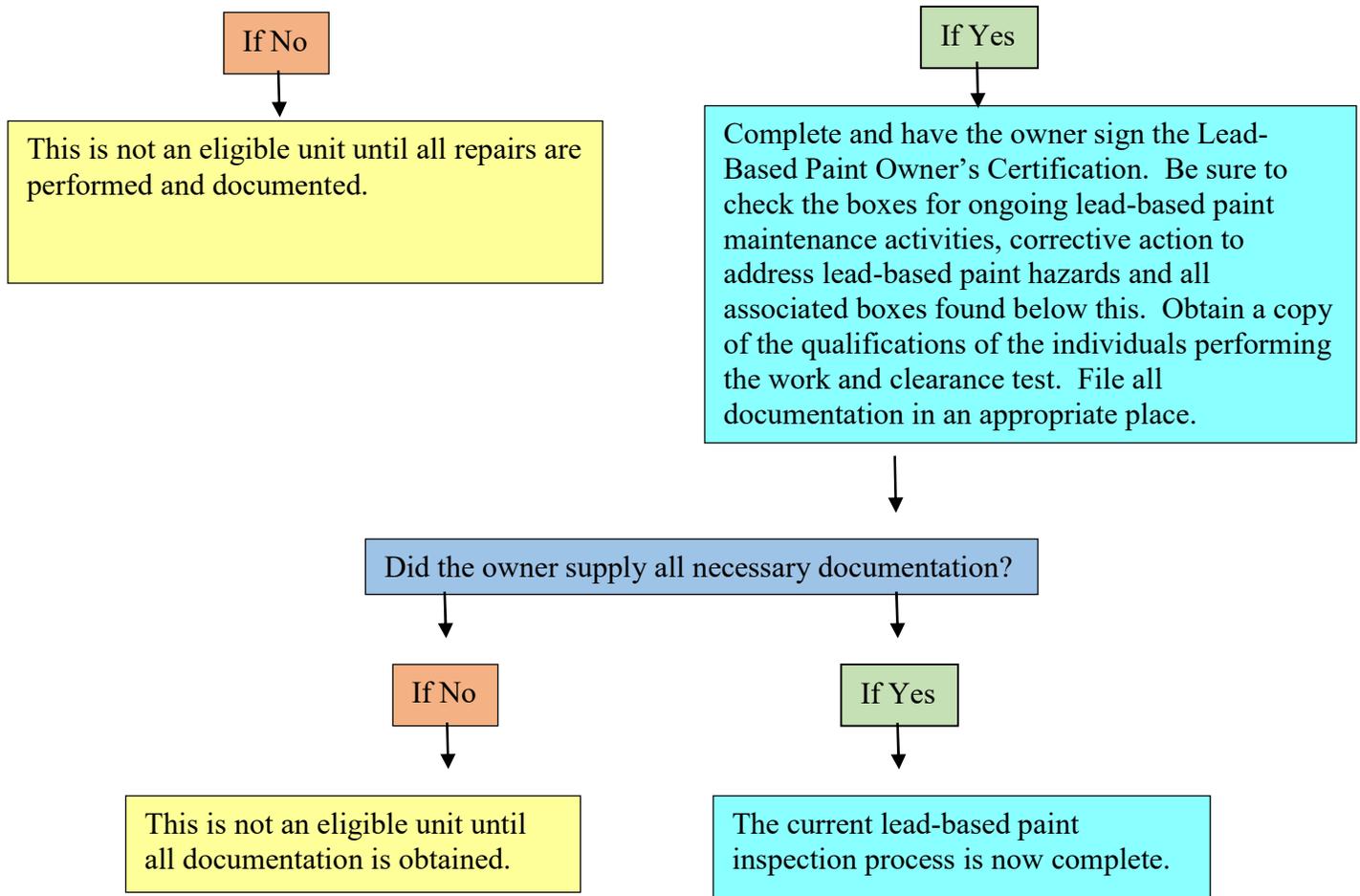
Implementation Report Application: Subgrantee's plan for the use of program funds as approved by OHCS, which is part of its approved funding application, and included in its funding agreement with OHCS.

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

(General Overview, may not contain all details)



Next Page



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 TBA assistance, subgrantee must take the required steps noted above to ensure lead hazards have been identified and clearance completed.

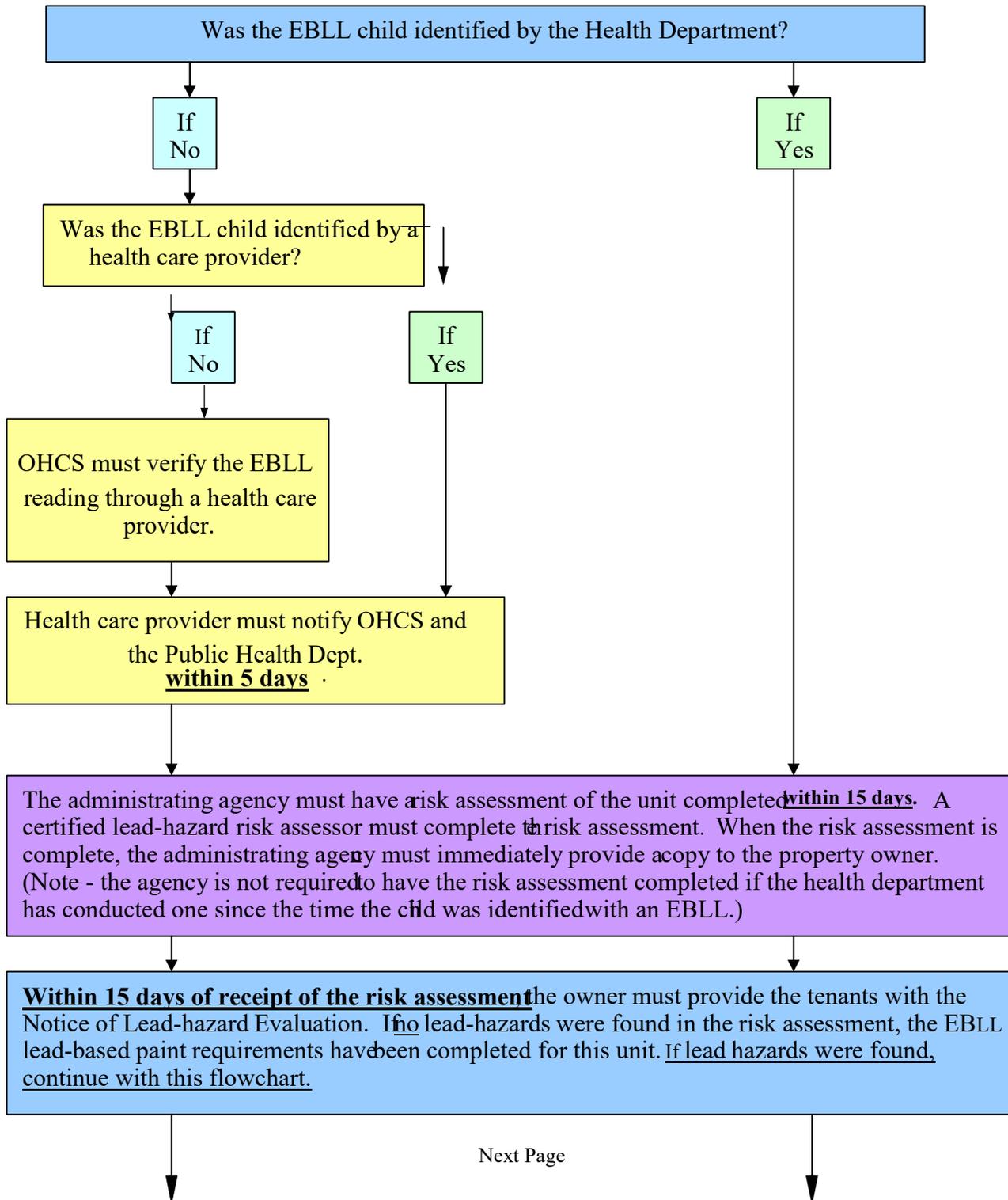
If subgrantee begins evaluation and lead hazard reduction before being notified that the child/ren in the incoming household has been identified with EBLL, subgrantee must finish the activities but does not need to repeat them.

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)



Next Page

