

HOME Tenant-Based Rental Assistance (HTBRA) July 1, 2023



HOME Tenant-Based Rental Assistance Program Operations Manual

Contacts

Oregon Housing and Community Services
Homeless Services Section
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1. Program Summary

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

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

2. Applicant Eligibility

(A) *Income Eligibility*

To participate in OHCS's HOME TBRA 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 must not exceed 80% AMI.

Area median income limits are established by household size and revised annually by HUD. Current income limits can 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 can establish a policy that HTBRA 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 TBRA 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 TBRA 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 TBRA assistance. This policy enables households to receive assistance through HOME TBRA without jeopardizing their opportunity to receive Housing Choice Voucher Program assistance.

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

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

(D) *Ineligible Applicants – Students*

The 2013 HOME Rule specifically excludes certain students from participating independently in the HOME TBRA program. The HOME TBRA 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; and
- 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".

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

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

(F) *Eligibility Documentation*

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

- Applicant's eligibility for subgrantee's tenant selection preferences;
- Applicant's household size and composition;
- Applicant's income and adjustments to income; and
- Applicant's student or non-student eligibility/status.

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

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

Third party documentation

Third party verification of employment is required for two months of current pay to verify earned income. Third party source documents by an outside source includes a written statement or document from an employer, landlord, public benefit worker, agency service provider, etc. Written verification directly to program staff or via the applicant/participant is preferred.

Intake worker/case manager observation

Intake worker/case manager observation, documented by subgrantee/subrecipient staff includes 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/case manager, including the name, telephone number and position/title of the party providing the statement. When the Intake Worker/case

manager is unable to obtain a written or oral statement from a shelter, institution or facility staff, the Intake Worker/Case Manager must document, in writing, their efforts to obtain eligibility documentation and must place their documentation in the applicant/participant's file.

Applicant/Participant self-certification

Applicant/Participant signed document certifying eligibility requires a written and signed document by the individual or head of household seeking assistance attesting to the eligibility facts for which they are certifying. Self-certification documentation is only used when documented staff efforts verify that third-party or intake worker/case manager observation documentation is not available.

Documentation of all participant/applicant information must be available electronically or as a printed copy in the participant/applicant file. Documentation of all efforts to obtain higher preference of verification (Third party and Intake Worker/Case Manager Observation) when lower forms of preference are used, must be in writing and kept in the participant'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, age, gender, religion, familial status or disability (federal) or victims of domestic violence, marital status, sexual orientation, gender identity or source of income (state). Thought must be given to what method(s) of outreach will be used to ensure households who are "least likely to apply" will be informed of the opportunity to apply for assistance.

Subgrantees are required to develop a written Affirmative Marketing Procedure or Plan which addresses the following:

- 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 affirmative marketing requirements.

(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 must 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 must have a stand-alone policy that complies with the following:

- 1) A statement that subgrantees will comply with all state, federal or local statutes, rules and guidelines for all protected classes and will not take any of the following actions based on race, color, national origin, age, religion, gender, familial status or disability (federal) or victims of domestic violence, 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; or
 - Deny anyone access to a facility or service; and
- 2) Identifies how applicants or participants can request reasonable accommodation to access assistance or services, how that process is communicated to applicants and participants and how those requests are processed.

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.

Screening criteria cannot be discriminatory and must be consistently applied. For example, a provider might decide to give priority to applicants/participants who graduate from a rental rehabilitation program that is inclusive of all protected classes. If two requests come in at the same time and both meet the screening criteria, the applicant/participant who also has the rental rehabilitation experience could receive priority over the applicant who does not; however, providers must always accept the first request meeting their criteria or prioritization policy.

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

For more information, see the Fair Housing Council of Oregon website at: www.fhco.org.

(I) *Equal Access*

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 HTBRA 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 HTBRA 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, must 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 subgrantees and subrecipients address the needs of persons 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.

Subgrantees must have a LEP stand-alone policy that describes the following:

- 1) The actions subgrantee took to identify LEP populations in their service area (and cites any source(s) used for evaluation;

- 2) Define actions subgrantee will take to provide language assistance and address language barriers;
- 3) States how and how often staff will receive training about assisting LEP persons; and
- 4) Identifies that, minimally, LEP populations are evaluated biennially and that updates to the LEP Policy incorporates any needed changes to address new or emerging LEP populations.

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

Subgrantees and subrecipients can 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 can 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.

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

(K) *Formerly Incarcerated Persons*

The HOME TBRA 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*

HTBRA has a single eligible OPUS category identified as Rent Assistance, and the following services can be paid with HTBRA funds as part of Rent Assistance:

- Payment of all or part of monthly rent and utilities, including space rent for households living in manufactured home parks;
- Payment of utility deposits for tenants who will also be receiving HTBRA security deposit and/or rent assistance; and
- Payment of refundable security deposits, including security deposits for Housing Choice Voucher Program households, regardless of whether tenant will be receiving HTBRA rent assistance.

Additionally, HOME TBRA 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 can 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, HTBRA assistance cannot be used if it would provide a duplicate subsidy; however, some rental assistance programs do not provide assistance in amounts sufficient to lower a tenant's rent payment to 30% of income. In such cases, HTBRA 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 HTBRA security deposit or rent assistance program. On their own, utility deposits are not considered rent assistance and are not an eligible use of HTBRA 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*

HTBRA can pay security deposits. The following requirements apply:

- The security deposit must meet the relevant state or local definition of "security deposit" in the jurisdiction where the unit is located. Security deposit is defined in ORS 90.100(42): "Security deposit means a refundable payment or deposit of money, however designated, the primary function of which is to secure the performance of a rental agreement or any part of a rental agreement. Security deposit does not include a fee.";
- The maximum amount of HTBRA funds that can be paid for a security deposit is no greater than the equivalent of two months' rent for the unit;
- Only the prospective tenant, not landlord, may apply for HOME TBRA 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; and
- Any security deposit remaining at the time tenant departs the unit can be kept by tenant.

(E) *Security Deposit Only Programs*

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

- Tenant's household must meet the same qualification requirements as in the full HOME TBRA program. Subgrantee shall complete any verifications required, including income qualification and household composition;
- The lease associated with the security deposit must not contain prohibited lease provisions;
- The rental lease and HOME TBRA contract must begin on the same day, but the contract will be only for the payment of the security deposit, and utility deposits if applicable;
- 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; and
- HOME TBRA can 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 HSS Dashboard;
- 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; and
- For OHCS to approve subgrantee's request for payment, the total amount of funds identified in the RFF Worksheet must match the total funds requested in OPUS must be the same amount.

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

Subgrantee must submit requests for reimbursement of HQS inspection costs using a designated HTBRA program allocation. Subgrantee can 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) *Ineligible Uses of HOME TBRA*

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

- Make commitments to specific landlords for specific projects. Tenant must be free to use the assistance in any eligible unit;
- Assist resident owners of cooperative housing that qualifies as home ownership housing. A tenant who is renting from a cooperative unit owner can be eligible for assistance;
- Assist a tenant who has a “lease to own” rental agreement if the subsidy will be used to accumulate a down payment or closing costs reserve. However, tenant and landlord can arrange for tenant’s rent contribution to be set aside for that purpose;
- Establish a specific HTBRA 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 funds;
- Provide HTBRA 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 (assisted living facility), hospital, residential treatment facility, correctional facility, halfway house, housing for students, or dormitories, including farmworker dormitories;
- Pay rent arrearages; and
- Purchase of gift cards for participants for any purpose.

4. General Program Requirements

(A) *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 the following performance measures:

- Percentage of homeless households who exited into permanent housing and retained that housing for six months or longer (statewide target 80%).

This key performance measures uses HMIS as the primary data source.

(B) *Privacy Notification*

Subgrantees and subrecipients must have a written document that meets the requirements of this section if provided to applicant/participant in written form, or they

must have a stand-alone policy that describes how the subgrantee or subrecipient are providing this Privacy Notification verbally to applicants/participants.

A Privacy Notification must be provided to applicants/participants either verbally or in writing that identifies the following:

“Personally identifiable information is protected by federal laws (Privacy Act of 1974, as amended) and will be collected for the purpose of determining program eligibility, providing assistance/service, data collection, reporting and monitoring. Personally identifiable information will be shared with Oregon Housing and Community Services and other state agencies with an information sharing agreement with OHCS and are administering programs that serve the same or similar clients or populations, as is necessary to carry out the intent of an assistance or service program for the benefit of the person applying for such assistance or service and will be disclosed to Oregon Housing and Community Services without written authorization.”

Applicants/Participants may also be asked to sign a Release of Information by the subgrantee or subrecipient that includes the Privacy Notification. If required to sign a Release of Information, in addition to the information above, such form must include a statement that:

“Refusal to sign such authorization cannot be the basis for denying program services to otherwise eligible applicants/participants. Applicant/Participant refusal to sign a Release of Information does not negate the inclusion of personally identifiable in secure reporting to Oregon Housing and Community Services. Oregon Housing and Community Services will de-identify applicant/participant demographic data for the purposes of reporting”.

Subgrantees and their subrecipients must document in the applicant/participant file that a privacy notification was provided to the applicant/participant either verbally or in writing. For all other purposes of collecting personally identifiable information, subgrantees and their subrecipients must follow state and federal laws for the collection, use and sharing of applicant/participant information.

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

(C) Confidentiality

Confidential records include all applications, records, files, and communications relating to applicants and participants of, OHCS funded services regardless of hard-copy or electronic format.

Subgrantees must have a stand-alone policy for the confidentiality of applicant/participant records. Such policy must include:

- 1) Identification of how all applicant/participant records are secured and confidentially maintained.
- 2) A statement that all applicant/participant records must be maintained within state guidelines for the proper retention and destruction of records.
- 3) A requirement that all subgrantee officers, employees and agents are aware of and comply with the subgrantees' confidentiality policy and must include an acknowledgement of such policy, in writing.
- 4) A provision for the electronic collection of applicant/participant information which states that:
 - 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 applicant/participant records;
 - Computer monitors must be cleared (or a screen saver activated) immediately after accessing a(n) applicant/participant 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 OHCS-funded programs.
- 5) A statement that all records shall be open for review to federal and state authorized representatives, and auditors and/or examiners during their regular audits and monitoring functions of OHCS funded programs.

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

(D) *Tenant Selection Policy*

Subgrantees must develop and use a stand-alone Tenant Selection Policy. The policy must 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. Subgrantee can request approval for changes to the policy throughout the funding period, if needed by contacting their OHCS Program Analyst.

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 can 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 must be specific and include:

- Description of the population/s that will be given preference for housing assistance, including the requirement households served meet program income eligibility restrictions;
- Explanation why the population/s receiving preference have been given priority over other eligible populations;
- Supporting documents that include data, needs assessment or local governmental determination considered in selecting a preferential population with sources cited;
- A detailed list of the selection criteria that will be used to identify priority applicants;
- Description of how the written 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; and
- A description of the approach/es subgrantee will use to reach all eligible households, particularly those who are “least likely to apply” for assistance.

Additionally, the Tenant Selection Policy must address:

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

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

Subgrantee can establish a preference to serve individuals with special needs, including homeless or elderly 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.

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

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

(E) *Using a Waiting List*

To ensure that applicants are selected for assistance in a fair and equitable manner, subgrantee must create or adopt a waiting list. Using a waiting list is a federal requirement for the HTBRA 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 must consider the following factors:

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

(F) *Applicant Intake*

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

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

(G) Applicant Notification

All applicants must be notified in writing if they do or do not qualify for HOME TBRA assistance. A sample applicant notification form can be downloaded from the OHCS website.

Persons denied HOME TBRA 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 and must document in the client file compliance with this requirement. Subjects covered in the briefing must 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 best practice to provide the applicant, at the time of briefing, a coupon, voucher, or other document which provides program information and rent/utility limitations which may apply in a new tenant's housing search.

(I) Determining Income Qualification

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

Income and eligibility determination for a newly participating tenant remain valid for up to six months after the date of determination. If it takes longer than six months for an

applicant to locate housing and begin rent assistance, their eligibility must be re-determined and verified before their HOME TBRA services can start.

Once an applicant has an effective HOME TBRA 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 must 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 can 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 can develop their own written policy if they want to undertake interim determinations and such policy must be available to OHCS, upon request. Subgrantees must ensure that subrecipients have policies that align with OHCS requirements and are consistent with the intent of such a policy as outlined by OHCS. OHCS retains the right to require modification of any policy that in its determination does not meet basic principles or requirements of such a policy. Subgrantee must use such policy in a consistent manner for all households to which it pertains.

Annual Income

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;
- Children of live-in aides; and
- An unborn child

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

Convert periodic wages to annual income by multiplying:

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

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

Assets

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

Adjusted Income

Adjusted income is a tenant's annual income 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, even 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 while that person is considered a member of the household for purposes of determining appropriate unit size.

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

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

The HUD Housing Choice Voucher Program Housing Subsidy Standards are the HOME TBRA program guide for determining appropriate number of bedrooms for the household size. The Standards set a basic calculation of two persons per living-sleeping area and explain acceptable variations to that calculation. 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; and
- Medical problems and chronic illness necessitate separate bedrooms for household members or accommodation of specialized medical equipment.

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

- If a tenant elects to occupy a unit with fewer bedrooms than specified in the Occupancy Standards, the 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; and
- 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 the tenant no longer qualifies for the size unit in which they reside. In this case, tenant must be required to move to a different sized unit or pay a larger portion of the monthly rent.

(K) *Housing Quality Standards (HQS)*

When a tenant finds an acceptable unit, the tenant will notify the 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 TBRA 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. Where allowable, other OHCS funds can be braided with HTBRA to help cover the costs of bringing a unit into compliance with HQS standards (this does not include major repairs or rehabilitation).

All units under a HOME TBRA 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 can 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 can, with adequate notice to landlord and tenant, terminate the HOME TBRA contract and require tenant to move to another location in order to continue to receive assistance; or
- Subgrantee can temporarily suspend its payments until landlord remedies the HQS deficiency/ies. This option necessitates the tenant paying full rent in order to prevent eviction.

Only persons who have been approved as HQS inspectors must 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 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 TBRA Lead-Based Paint Routine Inspection Procedures and Responding to an EBL Child in HOME TBRA Programs**.

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

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

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

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

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

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

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

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

(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 TBRA 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 must submit 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 HSS Dashboard. For instructions or additional training contact the OHCS Program Analyst.

(O) *Final Subsidy Calculation*

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

- The family's 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 must 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. Subgrantee can choose to use EHA funds to pay the difference between actual gross rent and the rent standard in these cases **as an emergent housing need, but not as ongoing rent subsidy**. (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 can adopt the utility allowance schedule that the local PHA uses for its Housing Choice Voucher Program, or establish their own schedule based on a survey of typical utility costs in the area.

Fair Market Rent (FMR)

HUD establishes FMRs to determine rent ceilings for HUD-funded rent assistance programs. HUD publishes the FMR schedule annually. When using HTBRA 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.

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 HTBRA subsidy is based on the FMR amount. If actual gross rent is less than the FMR, the amount of HTBRA 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 TBRA rent subsidy must not exceed the difference between the rent standard and 30% of the household’s monthly adjusted income;
- Subgrantee must require that tenants contribute at least \$10 toward monthly housing or utility costs;
- Security deposits must be no more than the total of two month’s rent;
- Each subsidy contract must be for no more than 12 months. Contracts can be renewed for up to 12 months at subgrantee’s discretion; and
- 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*

Rent Assistance Program Contract and Addendum

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

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

Security Deposit Program Contract

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

Lease Agreement and Addendum

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

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

The Lease Addendum can be used to 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.

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

Tenant and landlord must execute the landlord's lease or rent agreement and subgrantee's HOME TBRA contract. Except for grants for the Security Deposit Only program, the term of the HOME TBRA 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 TBRA 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 must 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 HTBRA Rent Assistance addendum effective the same date.

Subgrantee can choose to assist tenant under a new contract for a different unit or can terminate tenant from the rent assistance program according to subgrantee's termination policy.

(S) *Prohibited Lease Provisions*

The lease must not contain the following provisions:

- Agreement to be sued: Agreement by tenant to be sued or to admit guilt, or to a judgment in favor of landlord in a lawsuit brought in connection with the lease;
- Treatment of property: Agreement by tenant that landlord may take, hold or sell the personal property of household members without notice to tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by tenant concerning disposition of personal property remaining in the housing unit after tenant has moved out of the unit. Landlord may dispose of this personal property in accordance with state law;
- Excusing landlord from responsibility: Agreement by tenant not to hold landlord or its agents legally responsible for any action or failure to act, whether intentional or negligent;
- Waiver of notice: Agreement by tenant that the owner may institute a lawsuit without notice to tenant;
- Waiver of legal proceedings: Agreement by tenant that landlord may evict tenant (or other household members) without a civil court proceeding where tenant has the right to present a defense, or before a court decision on the rights of tenant and landlord;
- Waiver of jury trial: Agreement by tenant to waive the right to a trial by jury;
- Waiver of right to appeal court decision: Agreement by tenant to waive tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease;
- Tenant chargeable with cost of legal actions regardless of outcome: Agreement by tenant to pay attorney fees or other legal costs even if tenant wins in a court proceeding by landlord against tenant. Tenant, however, may be obligated to pay costs if tenant loses; and
- Participation in 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 TBRA recipients are required to participate in self-sufficiency plans as a condition of selection for HOME TBRA assistance. Subgrantee must assist 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 must 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 TBRA 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 can base their decision about providing additional assistance on tenant's willingness to work with a self-sufficiency plan.

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

Subgrantee's Criteria for Termination of Contract with Tenant

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

- Tenant has committed any fraud in connection with any state or federal housing assistance program;
- Subgrantee has determined tenant was non-compliant with program requirements; 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 TBRA program requirements or subgrantee's written policies.

Subgrantee's Criteria for Termination of Contract with Landlord

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

- Health and safety repairs are not made 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 TBRA program requirements or subgrantee's written policies.

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

Landlord's Termination of Tenancy Due to Lease Violation

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

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

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

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

(V) Moves

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

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

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

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

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

(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 which is located in the forms section under “VAWA Forms”.
- A report must be maintained that includes the number of persons assisted, the types of assistance provided, the project or program outcomes data measured under the performance standards developed in consultation with the Continuum of Care, and data on emergency transfers requested under 24 CFR 5.2005(e) and 24 CFR 576.409, pertaining to victims of domestic violence.
- If lease bifurcation due to VAWA results in the eviction of the qualifying member, remaining household members have a right to continued assistance until lease in effect at time of eviction expires.
- Except for tenant-based rental assistance, recipient/subrecipient must require lease/occupancy agreement to allow tenant to terminate lease without penalty if recipient/subrecipient determines emergency transfer requirements met.
- When HTBRA is provided, the lease term/addendum must require the owner to notify the participating jurisdiction before the owner bifurcates the lease or provides notification of eviction to the tenant.

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

1. Emergency Transfer Plan Guidelines

- 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.
- HUD encourages housing providers to consider that housing providers should be familiar with and, if they have not already done so, establish relationships

with organizations that assist survivors of domestic violence, particularly those that offer help in locating safe housing for victim of domestic violence.

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

2. Emergency Transfer Plan Requirements

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

(e) Emergency transfer plan

Each covered housing provider, as identified in the program-specific regulations for the covered housing program, shall adopt an emergency transfer plan, no later than June 14, 2017, based on HUD's model emergency transfer plan, in accordance with the following:

(1) For purposes of this section, the following definitions apply:

- (i) ***Internal emergency transfer*** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
- (ii) ***External emergency transfer*** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process to reside in the new unit.
- (iii) ***Safe unit*** refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

(2) The emergency transfer plan must provide that a tenant receiving rental assistance through, or residing in a unit subsidized under, a covered housing program who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:

(i) The tenant expressly requests the transfer; and

(ii) (A) The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or

(B) In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

(3) The emergency transfer plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in

relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

- (4) The emergency transfer plan must incorporate strict confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.
- (5) The emergency transfer plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
- (6) The emergency transfer plan must describe policies for assisting a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available, and these policies must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests.
- (7) The emergency transfer plan must describe reasonable efforts the covered housing provider will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. The plan must include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the covered housing provider's program or project, and a tenant who is seeking an external emergency transfer under VAWA into the covered housing provider's program or project. These policies may include:
 - (i) Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves; and
 - (ii) Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.
- (8) Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.
- (9) Where applicable, the emergency transfer plan must describe policies for a tenant who has tenant-based rental assistance and who meets the requirements of paragraph (e)(2) of this section to move quickly with that assistance.
- (10) The emergency transfer plan may require documentation from a tenant seeking an emergency transfer, provided that:

- (i) The tenant's submission of a written request to the covered housing provider, where the tenant certifies that they meet the criteria in paragraph (e)(2)(ii) of this section, shall be sufficient documentation of the requirements in paragraph (e)(2) of this section;
 - (ii) The covered housing provider may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and
 - (iii) No other documentation is required to qualify the tenant for an emergency transfer.
- (11) The covered housing provider must make its emergency transfer plan available upon request and, when feasible, must make its plan publicly available.
- (12) The covered housing provider must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually.
- (13) Nothing in this paragraph (e) may be construed to supersede any eligibility or other occupancy requirements that may apply under a covered housing program.

(X) Grievances and Appeals

Subgrantees are required to have an established, written stand-alone policy for addressing applicant/participant grievances/appeal requests. Applicants/Participants must have the right and opportunity to grieve/appeal any decision that terminates, denies, limits, reduces or modifies benefits for any reason. Applicants/Participants must be notified of their right for a grievance or appeal of such decision and subgrantee policy must clarify how and when applicants/participants are notified of their right to grieve/appeal decisions. Such grievance/appeal policy can be posted in a public place; however, applicants/participants **must** receive a written notification for any decision that terminates, denies, limits, reduces or modifies any benefit. Applicants/Participants must still receive a denial notice in writing even if the reason for denial is a subgrantee's/subrecipient's lack of funding. At a minimum, the policy must include the following components:

- (1) Informs the participant/applicant that they can contest any subgrantee's or subrecipient's decision that terminates, denies, limits, reduces or modifies any benefits and identifies the steps to follow to contest the decision;
- (2) Informs the participant/applicant of the reason for termination, denial, limitation, reduction or modification of benefit;
- (3) Allows any aggrieved person a minimum of thirty (30) days to request an administrative review/appeal of such decision;
- (4) 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;
- (5) Identifies what reasonable accommodations are available for applicant/participants who have language, mobility or disability barriers that would prevent them from participating in the review/appeal process and how to request such accommodations; and
- (6) Informs the applicant/participant and OHCS in writing of the final determination and basis for the decision within ten (10) days of the final determination.

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

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

(Y) *Conflict of Interest*

A conflict of interest can arise when a subgrantee offers HOME TBRA-assisted rent assistance to an applicant for which any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction or subgrantee is involved.

Any person described above who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME TBRA funds or who is in a position to participate in a decision-making process or gain inside information with regard to these activities must not obtain a financial interest or financial benefit from a HOME TBRA-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME TBRA-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; and
- 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 potential or actual conflict of interest exists. If a conflict of interest is present or anticipated, subgrantee must contact OHCS in writing and request an exception from HUD, if appropriate. Upon receipt of OHCS's request and supporting documentation, HUD will use criteria described in 24 CFR 92.356(e) to determine if a conflict of interest exists. Approval to proceed must be received from HUD before subgrantee can commit funds.

Subgrantees and subrecipients must not 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 execute a rental contract with another landlord within the subgrantee or subrecipient's jurisdiction or they can 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 TBRA 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.) Subgrantee or subrecipient must be responsive to OHCS' request for information to apply to HUD for an exception. 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 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.

5. Financial Management

(A) Administration

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

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

Reasonable administrative and planning costs include:

- Overall program management, coordination, monitoring and evaluation;
- Salaries, wages, and related costs of staff. In charging costs to this category, subgrantee may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities regarding the HOME TBRA program involves administration assignments, or the prorated share of the salary, wages and related costs of each person whose job includes any program administration assignments. Subgrantee may use only one of these methods;
- Developing interagency agreements and agreements with entities receiving HOME funds;
- Developing systems for ensuring compliance with program requirements;
- Preparing reports and other documents related to the program for submission to HUD;
- Coordinating the resolution of audit and monitoring findings;
- Evaluating program results against stated objectives;
- Managing or supervising persons whose primary responsibilities with regard to the program are considered administrative;
- Travel costs incurred for official business in carrying out the program;
- Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services;
- Other costs for goods and services required for administration of the program, including such goods and services as rental or purchase of

equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space;

- Completing entry of data into the OHCS-approved Homeless Management Information System (HMIS); and
- Staff costs of 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. A Zoom Replay of OPUS Fiscal Training can be found on the HSS Dashboard.

OHCS maintains an OPUS Manual and OPUS Help Desk. View the OPUS User Manual from the landing page, under the Help tab, after logging into OPUS. OPUS Help Desk can be reached at:

Email: opushelp@hcs.oregon.gov

Ph: (503) 986-2099

Toll Free: (800) 453-5511 Option 6

(C) Request for Funding Documentation

Subgrantee/subrecipients must retain supporting documentation of all costs charged to the applicable grant and be able to provide evidence that grant funds were spent on allowable costs. When subgrantee submits an Agency Grant Request (AGR)/Request for Funds (RFF) in OPUS, they are required to upload documentation of the costs for which they are requesting payment. Any AGR/RFF submitted without accompanying documentation or with insufficient documentation will be returned to the subgrantee with instructions to provide additional information. Subgrantees are required to **frequently and regularly** submit AGR/RFFs to appropriately expend their funds within their identified spending targets. An AGR/RFF can be denied/voided if documentation is insufficient, if unallowable costs are included or if submitted after the grant period has closed.

(D) Budget Change Requests and Implementation Report Amendments

Changes in a subgrantee's scope of work can 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@hcs.oregon.gov.

At the discretion of OHCS, additional information can be required for a budget change request, in form and format required by OHCS.

Implementation Report Amendments can be required as needed for specific funding categories. All Implementation Report Amendments require OHCS approval by submitting an Implementation Report Amendment Request form through the appropriate Smartsheet form.

Subgrantees must identify, and receive OHCS approval, of all subrecipients through the funding application. For any additional subrecipients, changes to subrecipients or deletion of subrecipients, identified outside of the funding application, subgrantees must notify OHCS within 30 days of such amendment for OHCS' approval. by submitting an Implementation Report Amendment Request.

(E) *Funds Spend Down*

Subgrantees are expected to fully obligate or expend grant funds during each funding cycle in accordance with OHCS policy and Subgrantees must meet spending targets identified in their Implementation Report spenddown plan (Standard or Time-Bound Expenditure Plan (TBEP), if applicable. OHCS will review subgrantee's grant spending in accordance with subgrantee's grant agreement/contract and OHCS policy. Subgrantee must fully expend funds or have filed a final Agency Grant Status (AGS)/Financial Status Report (FSR) for a previous fiscal period to roll funds, if allowable, and prior to OHCS approving funds in a current fiscal period.

Any spending below the minimum standard spending target or the time-bound expenditure plan is subject to rescission of grant funds. Any amount of funding greater than 10% of a funding source's total allocation or a combined total of \$100,000 that is subject to rescission will trigger Subgrantee Board notification. See Standard Terms and Condition of subgrantee's grant agreement/contract for more information.

Any funds left unexpended by 60 days following the end of the funding period, are subject to recapture/deallocation by OHCS.

(F) *Funds Rollover*

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

(G) *Internal Controls for Fraud*

As stated in the subgrantee’s OHCS agreement/contract, subgrantees are responsible for maintaining an internal controls framework, satisfactory to OHCS, which assures compliance with program requirements. Written policy and procedures must be established and outlined in local documentation (e.g. staff policy/procedure manuals). Subgrantees must establish and maintain clear procedures for management of program applicants and participants who may have committed fraud and for dealing with public complaints regarding potential fraud, including preventing, detecting, investigating and dealing with fraud. Subgrantees must establish and maintain clear procedures for preventing, detecting and dealing with employee fraud. All incidents of fraud must be reported to OHCS. Subgrantees are responsible for repayment of funds which were provided to applicants and participants that do not meet program eligibility.

6. Data, Submission and Reporting Requirements

(A) *Data Entry*

Subgrantees and their subrecipients are required to enter reliable, valid and accurate HTBRA related participant and service data into the Homeless Management Information System (HMIS) being operated in their geographic Continuum of Care (CoC). HMIS Data and Technical Standards have been established by the U.S. Department of Housing and Urban Development (HUD). Subgrantees and their subrecipients must adhere to their CoC’s HMIS Data Quality Plan. HUD-defined Victim Service Providers (VSPs) must enter information into a comparable database system that meets HUD HMIS standards.

(B) *Data Timeliness*

Timely and accurate data entry is critical to ensuring meaningful data analysis and reporting. For all project types, subgrantees and subrecipients must enter data within two business days or sooner, depending on local CoC HMIS policies.

(C) *Data Entry Requirement*

HTBRA requires both an HMIS entry/exit and HMIS Service Transaction to be entered into HMIS. Each allowable service must be represented with a Service Transaction. Same-day services will have the same Service Start and End Date. Service Transactions for Homelessness Prevention and Rapid Re-Housing costs, including all payments, arrearages, deposits, fees, landlord engagement and client non-categorical services, must include a HMIS Fund Source and Amount.

(D) *Required Data Elements*

Universal, program specific, and OHCS-required Data Elements must be collected in HMIS and are specific to program and project type. Refer to the [Data Collection](#)

[Requirement by Program and Project Type](#) document that can be found on the HSS dashboard for applicable data elements specific to HTBRA.

(E) Comparable Database

Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA) contains strong, legally codified confidentiality provisions that limit HUD-defined Victim Service Providers (VSPs) from sharing, disclosing, or revealing victims' personally identifying information (PII), including entering information into shared databases like HMIS. To protect clients, VSPs must enter required client-level data into a comparable database that is comparable to and complies with all HUD HMIS requirements.

Subgrantees/subrecipients defined as HUD VSPs are still subject to reporting requirements to OHCS of the grant for which they receive OHCS funding even if using a comparable database; however, no PII will be shared, only aggregate counts.

(F) Submissions/Reporting Requirements

It is critical and subgrantees must meet deadlines for the submission of data, budgets, and reports (including, but not limited to annual, quarterly, implementation, and financial status reports, etc.) as required by OHCS. Subgrantees must submit **complete and accurate** materials requested by OHCS by the deadline provided by OHCS and in the form and format required. Any submission that is incomplete or after the deadline will be considered by OHCS to be late and out of compliance with requirements.

Subgrantees must enter complete, accurate, timely data and must monitor and confirm the quality of their data on a monthly basis.

System Query Data

Subgrantees must directly submit or automate the export of disaggregated HMIS participant, program and service data twenty (20) days following the end of each month or as directed by OHCS. System Query Data may be used in published data visualizations (e.g., Tableau dashboards) and as the HMIS annual report.

Aggregated Quarterly Reports

Subgrantees must directly submit aggregated reports using the report provided in the HMIS reporting tool, SAP Business Objects, or the provided template, twenty (20) days following the end of each quarter.

Program Delivery Annual Report

A narrative annual report must be submitted, in form and format required by OHCS, by the 60th day following the end of the fiscal year providing detail,

including, but not limited to subrecipient budgets, program services, performance, outcomes, successes, and challenges,

Fiscal

The AGR/FSR is due to OHCS by the 60th day following the end of the fiscal year (see Funds Rollover section) and must be submitted within OPUS within this timeline.

At the discretion of OHCS, other reports can be required when deemed necessary by OHCS and subgrantees are subject to such requirement.

Subrecipient reporting to subgrantee must occur timely, so that subgrantees can meet the required deadline for reports to OHCS. It is the subgrantee's responsibility to ensure that subrecipients provide information to the subgrantee as required so that subgrantees can meet the reporting requirements of OHCS inclusive of subrecipient information.

Failure to provide required data or reports may result in a non-monetary finding in the Monitoring Report.

7. Records Requirements

(A) Client Files

Documentation of participant eligibility and services received must be maintained in printed or electronically saved participant case files, including documentation for applications found to be ineligible. Documentation for applicants found to be ineligible for assistance or for participants who are no longer eligible to receive assistance must include documentation of why they are ineligible and how that was communicated to the applicant/participant, along with notification of the subgrantee's grievance/appeal process. Ineligible participants do not need to be entered into HMIS unless the use of HMIS is a part of the subgrantee or subrecipient's intake/assessment process. File documentation will be the basis of OHCS monitoring to ensure subgrantee compliance with program requirements, rules, and HUD regulations. Subgrantee must make sure any subrecipients assisting Subgrantee with the HOME TBRA program also maintain appropriate records.

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

- Application form, signed by client;
- Release of Information form, signed by client;
- Applicant Notification;
- HMIS data entry forms;

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

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

(B) Forms Available on OHCS 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) Record Access

Subgrantees, their subrecipient organization and subrecipient organization's subrecipients are required to permit OHCS, the Oregon Secretary of State's Office, the federal government, and the duly authorized representatives of such entities access to, and the right to copy all program records, applicant/participant records and fiscal records, for such purposes as research, data collection, evaluations, monitoring, and auditing. At the sole discretion of OHCS, access to records shall include the removal of records as necessitated by OHCS or their duly authorized representative.

(D) Record Retention

Subgrantees, subrecipient organizations and their subrecipient organization's subrecipients shall retain all program records pertinent to applicant/participant services and expenditures incurred under HTBRA 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: (https://sos.oregon.gov/archives/Pages/state_admin_schedules.aspx).

Find the State Agency General Records Retention Schedules at the Oregon State Archives: (<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=591>).

Records can be stored electronically; however, electronic records must be maintained securely and confidentially and be available in paper format if requested by OHCS for monitoring, audit, or other purposes. HMIS can be used as a method of document collection and maintenance when it represents all required records and is appropriate.

Subgrantees, subrecipient organizations and subrecipient organization's subrecipients shall retain and keep accessible all such **fiscal and program records**, applicant/participant records, digital and electronic records, books, documents, papers, plans, and writings for a minimum of **(6) six years**, or such longer period as required by applicable law, whichever date is later. Destruction of records must occur timely and in compliance with applicable law and retention schedules. Retention begins from the later of the date that final payment is made or from the termination of HTBRA funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to, HTBRA.

8. Monitoring

OHCS will conduct a program monitoring of subgrantees once every two fiscal years or more frequently at OHCS' discretion. OHCS program monitoring may include desk audit, site visit and/or site visit with subrecipients (or subrecipient organization's subrecipient). Fiscal monitoring will be conducted once every two fiscal years unless circumstances and/or risk assessment require less or more frequent monitoring at OHCS' discretion. 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 can result in the withholding of funds or a requirement to return HTBRA funds to OHCS or other remedies as described in the subgrantee's grant agreement/contract.

Subgrantees must notify and receive approval from OHCS when adding subrecipients and/or renewing subrecipients. Notification and approval normally occur during the subgrantee's grant agreement/contract funding application process. However, if changes are made outside of the funding application, subgrantees must submit an Implementation Report Amendment Request form for approval of subrecipient additions, deletions, or modifications within 30 days of such change.

9. Subrecipient Monitoring

For the purposes of this operations manual the term "subrecipient" shall mean any subgrantee's subcontractors, contractors, vendor, subrecipients and any subcontractors, contractors, vendors or subrecipients of a subcontractor, contractor, vendor or subrecipient. Subrecipients must follow program intent, rules, and guidelines for the expenditure of funds. **All subrecipients must comply with all applicable program rules and regulations as noted in this manual, the subgrantee's grant agreement/contract, Program Element: Scope of Work. Records of subrecipient monitoring performed by the subgrantee or subrecipient will be reviewed during OHCS monitoring.** Subrecipient monitoring reports must be retained by the subgrantee and available for review by OHCS or other authorized entity, in compliance with program rules.

At least once during each biennium, Subgrantee will monitor the activities and expenditures of its subrecipients to ensure:

- (1) compliance with subgrantee's grant agreement/contract and program rules and requirements; and
- (2) achievement of performance goals.

Subgrantee's monitoring of its subrecipients must include:

- (1) an evaluation of each subrecipient's risk of non-compliance with rules , regulations, and terms and conditions of any applicable subaward for purposes of determining the appropriate level and type of subrecipient monitoring;
- (2) a review of financial and performance reports;
- (3) a review of subrecipient policies and procedures, forms, documentation, client records including eligibility, notifications and documentation;
- (4) a review of participant records to ensure compliance with security, maintenance, retention and destruction of records; and
- (5) follow-up on all deficiencies pertaining to any OHCS funding in accordance with all program rules and regulations.

Subgrantees must have a stand-alone policy that identifies the following:

- (1) Frequency of subrecipient monitoring, which must be minimally once during a biennium or the term of the subgrantee's grant agreement/contract;
- (2) The number of relevant samplings of fiscal transactions per program;

- (3) The number of relevant samplings of participant files and that such review includes eligibility, notification and documentation;
- (4) The number of relevant samplings of HMIS entries to ensure appropriate entry and tracking of participant information and service transactions;
- (5) A review of participant records to ensure compliance with security, maintenance, retention, and destruction of records; and
- (6) A review of subrecipient's policies and procedures, forms, documents and notifications to ensure compliance with all program, state and federal rules, regulations and requirements.

OHCS retains the right to require modification of any policy that in its determination does not meet basic principles or requirements of such a policy.

10. Appendices

The following appendices are attached to this manual:

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

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

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

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

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

(B) Appendix 2: Acronyms

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

(C) Appendix 3: Definitions

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

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

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

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

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

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

Client: A household who has received an assessment of need, has been entered into an OHCS-funded program (intake), entered in HMIS and who is receiving financial assistance. A client is someone who has developed a client services/housing plan and is not receiving one-time only 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.

Domestic Violence: This definition includes domestic violence, dating violence, sexual assault, stalking, attempting to cause, or intentionally, knowingly or recklessly causing or placing

another in fear of imminent serious physical injury or emotional, mental or verbal abuse, and using coercive or controlling behavior. This does not include other criminal acts such as violence perpetrated by a stranger, neighbor, acquaintance or friend, unless those persons are family members, intimate partners or household members. (Note: This definitional aligns with TANF rules and regulations)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Participant: A household who may or may not be a client, but is receiving OHCS-funded services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

contractors, vendor, subrecipients and any subcontractors, contractors, vendors or subrecipients of a subcontractor, contractor, vendor or subrecipient.

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

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

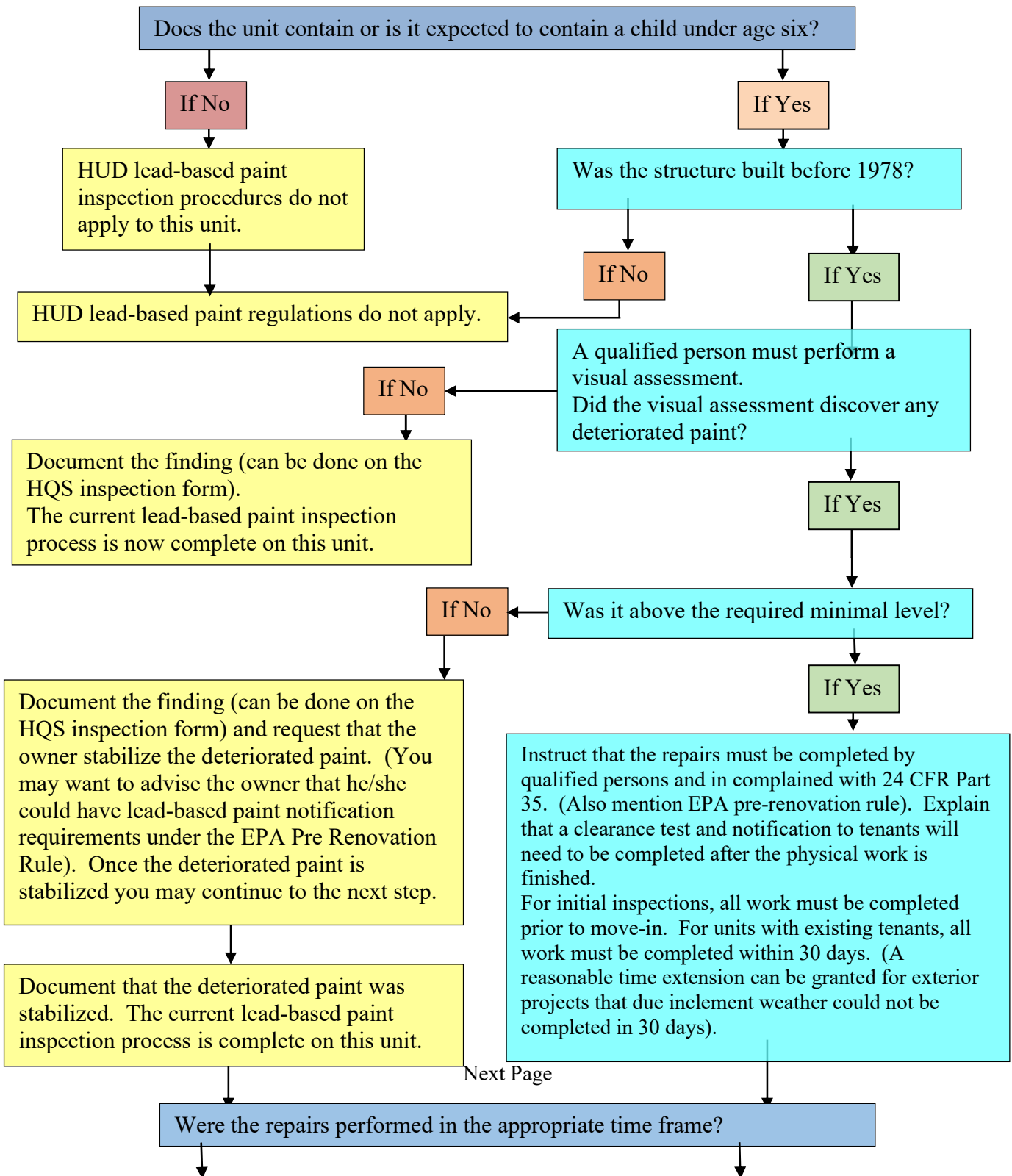
VAWA: Violence Against Women Act. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.

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

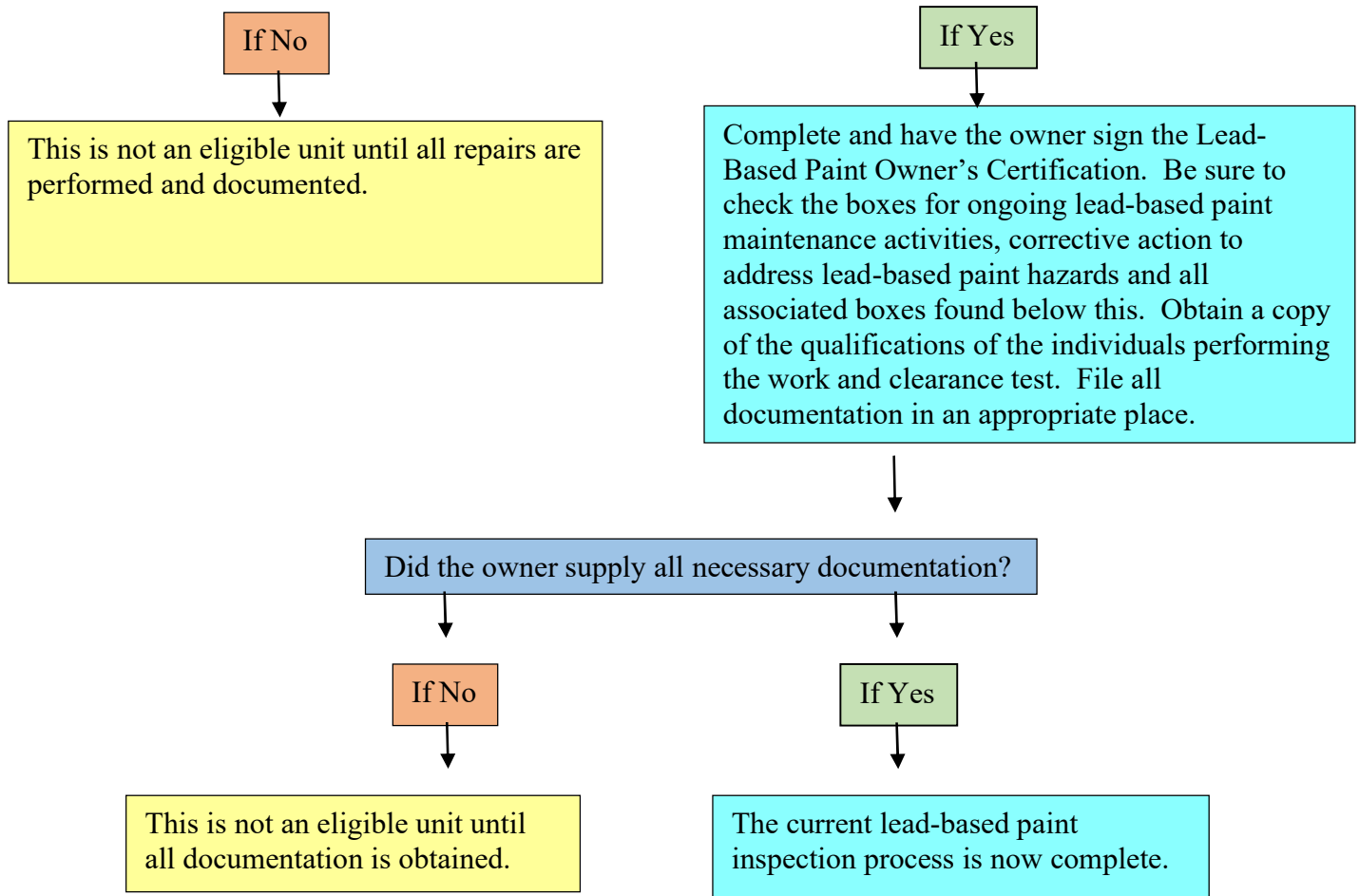
Wet Signature: Any signature affixed to a hard copy with a pen or other writing device. An electronic signature does not meet the requirements of a wet signature.

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

(General Overview, may not contain all details)



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

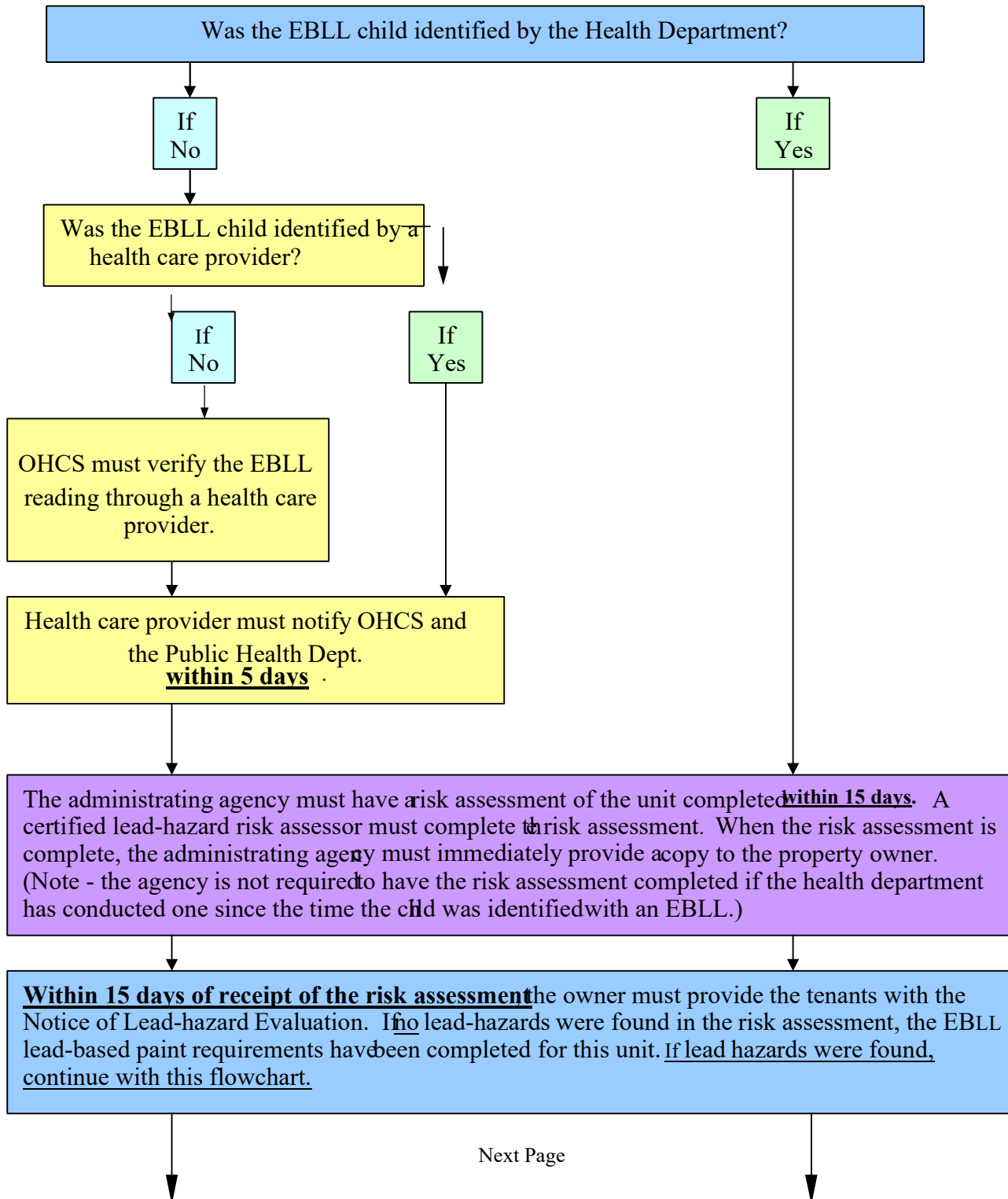
If subgrantee begins evaluation and lead hazard reduction before being notified that the child/ren in the incoming household has been identified with EBLL, subgrantee must finish the activities but does not need to repeat them.

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

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

Responding To An EBLL Child

(General Overview, may not contain all details)



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

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

Was the work completed and clearance achieved?

If No

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

If Yes

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

Did the owner supply all necessary documentation?

If No

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

If Yes

The current EBLL requirements have been completed on this unit.