

## **Chapter 5**

### **BRIEFINGS AND VOUCHER ISSUANCE**

#### **INTRODUCTION**

This chapter explains the briefing and voucher issuance process. When a family is determined to be eligible for the Housing Choice Voucher (HCV) program, BHA must ensure that the family fully understands the way the program operates and the family's obligations under the program. This is accomplished through both an oral briefing and provision of a briefing packet containing written documentation of information the family needs to know. Once the family is fully informed of the program's requirements, BHA issues the family a voucher. The voucher includes the unit size the family qualifies for based on BHA's subsidy standards, as well as the dates of issuance and expiration of the voucher. The voucher is the document that permits the family to begin its search for a unit, and limits the amount of time the family has to successfully locate an acceptable unit.

This chapter describes HUD regulations and BHA policies related to these topics in two parts:

Part I: Briefings and Family Obligations. This part details the program's requirements for briefing families orally, and for providing written materials describing the program and its requirements. It includes a particular focus on the family's obligations under the program.

Part II: Subsidy Standards and Voucher Issuance. This part discusses BHA's standards for determining how many bedrooms a family of a given composition qualifies for, which in turn affects the amount of subsidy the family can receive. It also discusses the policies that dictate how vouchers are issued, and how long families have to locate a unit.

#### **PART I: BRIEFINGS AND FAMILY OBLIGATIONS**

##### **5-I.A. OVERVIEW**

HUD regulations require BHA to conduct mandatory briefings for applicant families. The briefing provides a broad description of owner and family responsibilities, explains BHA's procedures, and includes instructions on how to lease a unit. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

##### **5-I.B. BRIEFING [24 CFR 982.301]**

BHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed individually or in groups. At the briefing, BHA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973), and ensure that the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

##### BHA Policy

BHA will require attendance at a briefing by all households coming from the BHA waiting list; porting in from another jurisdiction, or transferring from one unit to another within the jurisdiction; briefings will be conducted in group meetings.

Generally, the head of household and spouse/co-head/partner are required to attend the briefing. If the head of household is unable to attend, BHA may approve another adult family member to attend the briefing.

Families that attend group briefings and still need individual assistance will be referred to an appropriate BHA staff person.

BHA may require participants to attend a refresher briefing periodically, possibly every three years, for program updates, or as part of an intervention plan to preserve rental assistance.

Briefings will be conducted in English. For limited English proficient (LEP) applicants, BHA will provide translation services in accordance with BHA's LEP plan (See Chapter 2).

**During the Covid-19 pandemic, and at other times as needed, Briefings will be conducted online. Advocates who are assisting new voucher holders with the lease up process, and who can be instrumental in providing internet access, especially for homeless populations, are also invited to Briefings, whether in person or on line.**

## **Notification and Attendance**

### BHA Policy

Waiting list Families. Families will be notified of their eligibility for assistance at the time they are invited to attend a briefing. The notice will identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

If the notice is returned by the post office with no forwarding address, the applicant will be denied and their name will not be placed back on the waiting list. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated.

Applicants who fail to attend a scheduled briefing will automatically be scheduled for another briefing. BHA will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without BHA approval, will be denied assistance (see Chapter 3).

Port-in and transfers. Families will be advised in writing of the date and time of the briefing.

## **Oral Briefing [24 CFR 982.301(a)]**

Each briefing must provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside BHA's jurisdiction;
- For families eligible under portability, an explanation of portability, including screening requirements, subsidy standards, payment standards and other elements of the portability process. BHA cannot discourage eligible families from moving under portability;
- For families living in high-poverty census tracts, an explanation of the advantages of moving to areas outside of high-poverty concentrations; and

- For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

### **Briefing Packet [24 CFR 982.301(b)]**

Documents and information provided in the briefing packet must include the following:

- The term of the voucher, and BHA's policies on any extensions or suspensions of the term. If BHA allows extensions, the packet must explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how BHA determines the payment standard for a family, how BHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how BHA determines the maximum allowable rent for an assisted unit.
- Where the family may lease a unit and an explanation of how portability works. For a family that qualifies to lease a unit outside BHA jurisdiction under portability procedures, the information must include an explanation of how portability works.
- An explanation of the advantages of moving to areas outside of high-poverty concentrations.
- The HUD-required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy.
- A statement of BHA policy on providing information about families to prospective owners.
- BHA subsidy standards including when and how exceptions are made.
- The HUD brochure on how to select a unit.
- The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*.
- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.
- A list of landlords or other parties willing to lease to assisted families or help families find units, especially outside areas of poverty or minority concentration.
- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to BHA.
- The family obligations under the program, including any obligations of a welfare-to-work family.
- The grounds on which BHA may terminate assistance for a participant family because of family action or failure to act.
- BHA informal hearing procedures including when BHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.

- Rights, responsibilities and protections under the Violence Against Women Act (VAWA)
- HUD’s “Debts Owned to Public Housing Agencies” reporting system

If the PHA is located in a metropolitan FMR area, the following additional information must be included in the briefing packet in order to receive full points under SEMAP Indicator 7, Expanding Housing Opportunities [24 CFR 985.3(g)].

- Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction.
- Information about the characteristics of these areas including job opportunities, schools, transportation and other services.
- An explanation of how portability works, including a list of portability contact persons for neighboring PHAs including names, addresses, and telephone numbers.

### **Additional Items to be Included in the Briefing Packet**

In addition to items required by the regulations, PHAs may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7].

#### BHA Policy

BHA will provide the following additional materials in the briefing packet:

Information on how to fill out and file a housing discrimination complaint form.

The publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a family must avoid and the penalties for program abuse.

“What You Should Know about EIV”, a guide to the Enterprise Income Verification (EIV) system published by HUD.

### **5-I.C. FAMILY OBLIGATIONS**

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. BHA must inform families of these obligations during the oral briefing, and the same information must be included in the briefing packet. When the family’s unit is approved and the HAP contract is executed, the family must meet those obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

#### **Time Frames for Reporting Changes Required By Family Obligations**

##### BHA Policy

Unless otherwise noted below, when family obligations require the family to respond to a request or notify BHA of a change, notifying BHA of the request or change within 14 calendar days of occurrence is considered prompt notice.

When a family is required to provide notice to BHA, the notice must be in writing.

## **Family Obligations [24 CFR 982.551]**

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information that BHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by BHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

### BHA Policy

Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit or grounds for termination of rental assistance.

- The family must allow BHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.

### BHA Policy

BHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity.

- The family must notify BHA and the owner before moving out of the unit or terminating the lease.

### BHA Policy

The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to BHA at the same time the owner is notified.

- The family must give BHA a copy of any owner eviction notice within 5 calendar days.
- The family must use the assisted unit for residence by the family, including any approved live-in aide. The unit must be the family's only residence.

### BHA Policy

A family may not allow other(s) to utilize the address of their Section 8 assisted unit, if they are not a part of the assisted family/household (including any approved live-in aide) without prior written approval from BHA.

- The composition of the assisted family residing in the unit must be approved by BHA. The family must promptly notify BHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request BHA approval to add any other family member as an occupant of the unit.
- The family cannot move to any other unit without prior written consent by BHA and owner.

#### BHA Policy

The request to add a family member to the Voucher must be submitted in writing and approved in writing by BHA. BHA will determine eligibility of the new member in accordance with the policies in Chapters 3 and 11. The family must also provide evidence from the owner allowing the person to be added to the lease prior to the person moving into the unit.

- The family must promptly notify BHA in writing if any family member no longer lives in the unit.
- If BHA has given approval, a foster child or a live-in aide may reside in the unit. BHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when BHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).
- The family must not sublease the unit, assign the lease, or transfer the unit.

#### BHA Policy

Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit or renting space/rooms in the unit who is not listed as a family member.

- The family must supply any information requested by BHA to verify that the family is living in the unit or information related to family absence from the unit.
- The family must promptly notify BHA when the family is absent from the unit.

#### BHA Policy

Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to BHA at the start of the extended absence or as soon thereafter that it is clear that the absence will exceed 30-days.

- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other

residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and BHA policies related to drug-related and violent criminal activity.

- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and BHA policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless BHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]

## **PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE**

### **5-II.A. OVERVIEW**

BHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. BHA also must establish policies related to the issuance of the voucher, to the voucher term, and to any extensions or suspensions of that term.

### **5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]**

For each family, BHA determines the appropriate number of bedrooms under BHA subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when BHA determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by BHA to reside in the unit to care for a family member who is disabled) must be counted in determining the family unit size;

- Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under BHA subsidy standards.

### BHA Policy

BHA will assign voucher bedroom size as follows:

- |    |   |                                  |
|----|---|----------------------------------|
| 1. | Non-elderly, non-disabled single person Head of Household | 0 bedroom (Studio) or 1 bedroom* |
|----|---|----------------------------------|

*\*in some instances, in the Project-based Section 8 Program, a 1-BR for this category is allowable; in some instances in the Project-based Section 8 Program, up to 2 people may reside in a studio. In the Tenant-based Program, when there is a lack of Studio units on the available unit listing, vouchers will be issued for Studio/1 bedroom units.*

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|----|------------------------------------|------------|
| 2. | Single person over 62 or disabled: | 1 bedroom* |
|----|------------------------------------|------------|
- \*in some instances, in the Project-based Section 8 Program, a studio for this category is allowable.*

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|----|--|-----------|
| 3. | Head of household (and spouse, partner if any) | 1 bedroom |
|----|--|-----------|
- \*in some instances in the Project-based Section 8 Program, up to 2 people may reside in a studio.*

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|----|--|------------|
| 4. | Head of household (and spouse, partner if any) plus 1 or 2 other members | 2 bedrooms |
|----|--|------------|

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|----|--|------------|
| 5. | Head of household (and spouse, partner if any) plus 3 or 4 other household members | 3 bedrooms |
|----|--|------------|

- |    |  |                         |
|----|--|-------------------------|
| 6. | <del>Head of household (and spouse, partner if any) plus 4 or other</del> 5 household members in total | <del>3</del> 4 bedrooms |
|----|--|-------------------------|

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|----|---|------------|
| 7. | Head of household (and spouse, partner if any) plus 6, 7 or 8 other household members | 5 bedrooms |
|----|---|------------|

24-hour Live-in Aides, including up to one immediate family member, will be allocated a separate bedroom, and/or may use the living room as a sleeping room.

BHA will recognize a minor that is a ward of the State, and temporarily out of the home, as a household member for a maximum of three years, provided the family is complying with terms in the reunification plan.

Unless otherwise specified on the personal declaration, BHA will assume that the head of household and any “other” adult, of any gender, are in a committed relationship, and will assign one bedroom, except in the case where the “other” adult is a child or parent of the head of household.



## **5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS**

In determining family unit size for a particular family, BHA may grant an exception to its established subsidy standards if BHA determines that the exception is justified by the age, gender, health, handicap, or relationship of family members or other personal circumstances.

[24 CFR 982.402(b)(8)]. Reasons may include, but are not limited to:

- A need for an additional bedroom for bulky medical equipment
- A need for a separate bedroom for reasons related to a family member's disability, medical or health condition.

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom [24 CFR 982.402(b)(8)].

### BHA Policy

Non-elderly, non-disabled single person Head of household qualifies for a 0 bedroom (Studio) subsidy. In some instances, ~~in the Project-based Section 8 Program~~, a 1-BR for this category is allowable.

Single person over 62 or disabled qualifies for a 1 bedroom subsidy. In some instances, in the Project-based Section 8 Program, a studio for this category is allowable.

A single remaining family member who is not elderly and not disabled may be granted a 0 (studio) or a 1 bedroom voucher.

BHA will consider granting an exception as a reasonable accommodation for a person with disabilities.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include the disability-related request for accommodation. The family's continued need for an additional bedroom due to medical equipment must be re-verified in accordance with BHA policy, and confirmed annually.

BHA will notify the family of its determination within 14 business days of receiving the family's request, and will utilize documentation received by an identified (by the family) care provider. A care provider for example, may be a health care professional within medicine, midwifery-obstetrics, nursing, pharmacy, or allied health professions. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

## **5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]**

When a family is selected from the waiting list (or as a special admission as described in Chapter 4), or when a participant family wants to move to another unit, BHA issues a Housing Choice Voucher, form HUD-52646. This chapter deals only with voucher issuance for applicants. For voucher issuance associated with moves of program participants, please refer to Chapter 10.

The voucher is the family's authorization to search for housing. It specifies the unit size for which the family qualifies, and includes both the date of voucher issuance and date of expiration. It contains a brief description of how the program works and explains the family obligations under the

program. The voucher is evidence that BHA has determined the family to be eligible for the program, and that BHA expects to have money available to subsidize the family if the family finds an approvable unit. However, BHA does not have any liability to any party by the issuance of the voucher, and the voucher does not give the family any right to participate in BHA's housing choice voucher program [Voucher, form HUD-52646]

A voucher can be issued to an applicant family only after BHA has determined that the family is eligible for the program based on information received within the 60 days prior to issuance [24 CFR 982.201(e)] and after the family has attended an oral briefing [HCV 8-1].

#### BHA Policy

Vouchers will be issued to eligible applicants immediately following the mandatory briefing. For transfer vouchers, BHA will annotate the Voucher with the earliest date the household may enter a new assisted lease. A transfer voucher is one issued to a family that is transferring from one unit to another, within the jurisdiction (City of Berkeley).

BHA should have sufficient funds to house an applicant before issuing a voucher. If funds are insufficient to house the family at the top of the waiting list, BHA must wait until it has adequate funds before it calls another family from the list [HCV GB p. 8-10].

#### BHA Policy

Prior to issuing any vouchers, BHA will determine whether it has sufficient funding in accordance with the policies in Part VIII of Chapter 16.

If BHA determines that there is insufficient funding after a voucher has been issued, BHA may rescind the voucher and place the affected family back on the waiting list.

### **5-II.E. VOUCHER TERM, EXTENSIONS, SUSPENSIONS, EXPIRATION, AND REINSTATEMENT**

#### **Voucher Term [24 CFR 982.303]**

The initial term of a voucher must be *at least* 60 calendar days. The initial term must be stated on the voucher [24 CFR 982.303(a)].

#### BHA Policy

The initial voucher term will be 120 calendar days. The family must submit a Request for Tenancy Approval and proposed lease within the time period unless BHA grants an extension.

#### **Extensions of Voucher Term [24 CFR 982.303(b)]**

BHA has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. There is no limit on the number of extensions that BHA can approve. Discretionary policies related to extension and expiration of search time must be described in BHA's administrative plan [24 CFR 982.54].

BHA must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

The family must be notified in writing of BHA's decision to deny an extension. BHA's decision to deny a request for an extension of the voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

#### BHA Policy

BHA will approve extensions in 60-day increments, in the following circumstances, and only if the family has demonstrated, to BHA's satisfaction, that it has a reasonable plan for identifying a suitable unit:

- a. It is necessary as a reasonable accommodation for a person with disabilities.
- b. It is necessary because of the low vacancy rates, competitive rental market and high rents in the area.
- c. It is necessary due to reasons beyond the family's control, as determined by BHA. Following is a list of extenuating circumstances that BHA may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted, and additional emergency situations will be considered:
  - i. Serious illness or death in the family
  - ii. Other emergency such as an accident or hospitalization or death.

All requests for extensions to the voucher term must be made in writing and submitted to BHA prior to the expiration date of the voucher (or extended term of the voucher).

BHA will decide whether to approve or deny an extension request within 5 business days of the date the request is received, and will immediately provide the family notice of its decision, by way of an extension date on the voucher.

Note: As a condition of an extension, BHA may:

- require the family to identify a person(s), agency(ies), or entity(ies) that will assist in the housing search, and/or
- refer the family to resources that may provide housing assistance.

#### **Suspensions of Voucher Term [24 CFR 982.303(c)]**

At its discretion, BHA may adopt a policy to suspend the housing choice voucher term if the family has submitted a Request for Tenancy Approval (RTA) during the voucher term. "Suspension" means stopping the clock on a family's voucher term from the time a family submits the RTA until the time BHA approves or denies the request [24 CFR 982.4]. BHA's determination not to suspend a voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

#### BHA Policy

When a Request for Tenancy Approval is received by BHA, the term of the voucher will be suspended ("tolled") while BHA processes the request.

Voucher term is suspended until notice from BHA of its decision to approve or deny the tenancy.

When BHA denies a request for tenancy, the family will be notified immediately that the clock on the voucher term has restarted. The notice will include the new expiration date of the voucher.

BHA will suspend issuance of a Voucher for a maximum of 120 calendar days as a reasonable accommodation.

BHA will suspend issuance of a Transfer Voucher for a maximum of 120 days as a reasonable accommodation, or in response to a hardship for a non-disabled household at BHA's sole discretion.

### **Expiration of Voucher Term**

Once a family's housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program and admission/participation is denied.

### **Reinstatement of Voucher**

As a reasonable accommodation of an elderly or disabled person, BHA will consider reinstatement of a voucher submitted within two years of the expiration of the voucher/termination of assistance.