



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

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**Special Attention of:**

Directors of HUD Regional and Field  
Offices of Public Housing;  
Agencies that Administer the  
Housing Choice Voucher Program

**Notice PIH 2021-15 (HA)**

Issued: May 5, 2021

Expires: This notice remains in effect until  
amended, superseded, or rescinded.

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**SUBJECT: Emergency Housing Vouchers – Operating Requirements**

**1. Purpose**

This notice describes the process HUD is using to allocate approximately 70,000 emergency housing vouchers (EHVs) to public housing agencies (PHAs).

These EHVs are to assist individuals and families<sup>1</sup> who are experiencing homelessness; at risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

This notice also sets forth the operating requirements for the EHVs, including the administrative fees and fees for other eligible expenses; the housing assistance payments (HAP) funding renewal process; family eligibility requirements; EHV waivers, alternative requirements, and special rules, including a requirement that families are offered housing search assistance and that PHAs partner with the Continuum of Care (CoC) or other homeless or victim services providers to assist qualifying families through a direct referral process; the EHV recapture and redistribution procedures, and the prohibition on the reissuance of turnover EHVs after September 30, 2023.

**2. Background**

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (P.L. 117-2, hereafter referred to in this notice as "the ARP") into law, which provides over \$1.9

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<sup>1</sup> While the ARP and the definitions of the qualifying categories specifically refer to "individuals and families," under the HCV program regulations at 24 CFR 982.4, the term "family" is a person or a group of persons, as determined by the PHA consistent with 24 CFR 5.403, approved to reside in a unit with assistance under the program. The term "family" used in EHV/HCV context always includes a family that is comprised of a single individual as well as a group of persons.

trillion in relief to address the continued impact of the -COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses.

Section 3202 of the ARP appropriates \$5 billion for new incremental EHV, the renewal of those EHV, and fees for the cost of administering the EHV and other eligible expenses defined by notice to prevent, prepare, and respond to coronavirus to facilitate the leasing of the emergency vouchers, such as security deposit assistance and other costs related to retention and support of participating owners.<sup>2</sup>

Eligibility for these EHV is limited to individuals and families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. After September 30, 2023, a PHA may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended.

EHV are tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)). The ARP further provides that HUD may waive any provision of any statute or regulation used to administer the amounts made available under section 3202 (except for requirements related to fair housing, nondiscrimination, labor standards and the environment) upon a finding that any such waivers or alternative requirements are necessary to expedite or facilitate the use of amounts made available for the EHV.

To facilitate and expedite leasing, PHAs that accept an allocation of EHV will receive an allocation of administrative fee funding for other eligible expenses defined by this notice that are not normally eligible administrative expenses under the Housing Choice Voucher (HCV) program, as well as administrative fees for the cost of administering EHV. The administrative fees and fees for EHV eligible expenses are described in detail in section 6 of this notice.

EHV Housing Assistance Payment (HAP) funding (both the initial funding allocation and subsequent renewals) and both forms of administrative fee funding have been appropriated separate and apart from the regular HCV program appropriations provided through HUD's annual appropriations acts. The ARP limits the use of all EHV funding by time and purpose. Consequently, ARP EHV funding HAP and administrative fee funding (including services fees) covered by this notice may only be used for the EHV and may not be for the PHA's regular HCVs or other special purpose vouchers (including Mainstream vouchers).

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<sup>2</sup>Under Section 3202, the \$5 billion in appropriations may also be used for "adjustments in the calendar year 2021 section 8 renewal funding allocations, including mainstream vouchers, for public housing agencies that experience a significant increase in voucher per-unit costs due to extraordinary circumstances or that, despite taking reasonable cost savings measures, would otherwise be required to terminate rental assistance for families as a result of insufficient funding." Use of a portion of the \$5 billion for that purpose will be covered under a separate notice.

### **3. PHA Eligibility**

To be eligible to receive an EHV funding allocation, a PHA must currently administer the HCV program through an existing Consolidated Annual Contributions Contract (CACC) with HUD. Non-profit agencies that only administer HCV Mainstream vouchers are not eligible to receive an EHV allocation.

### **4. EHV Allocation Formula**

HUD's allocation formula is designed to direct emergency vouchers to the PHAs operating in areas where the EHV's eligible populations have the greatest need while also taking into account PHA capacity and the requirement to ensure geographic diversity, including rural areas.

The following data and indicators were used to develop the statutorily mandated allocation formula:

#### *a. Comparative homeless and at-risk of homelessness need*

In developing an allocation formula based on comparative need, HUD focused on "homeless need" and "at-risk of homelessness need." These measures also serve as a proxy for relative need regarding the eligibility categories that includes those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking<sup>3</sup>; as well as recently homeless families for whom providing rental assistance will prevent the family's homelessness or having a high risk of housing instability.

HUD is defining homeless need as the total count of persons experiencing homelessness (whether sheltered or unsheltered). HUD is using January 2020 Continuum of Care (CoC) Point-in-Time (PIT) homeless data for this measure. HUD does not generally use PIT homeless data to allocate funds. However, as was the case when HUD allocated Emergency Solutions Grant (ESG)-CV2 funding<sup>4</sup>, HUD is using PIT homeless data to allocate these emergency vouchers to PHAs as expeditiously as possible.

For at-risk of homelessness need, HUD used special tabulation data from the American Community Survey (ACS 2013-17) on rental households with incomes less than 30

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<sup>3</sup> The 2018 Part 2 Annual Homeless Assessment Report (AHAR) notes that it is difficult to count the full extent that individuals are fleeing domestic and other violence, but based on bed capacity, we expect a substantial portion of those in the homeless data are in fact homeless because of domestic violence: "Based on the bed counts in the 2018 HIC, 12 percent of the emergency shelter, safe haven, and transitional housing beds for people currently experiencing homelessness were intended for survivors of domestic violence (DV). A smaller share, 6 percent, of all the beds available year-round in the homeless services system (including beds in permanent housing programs) were targeted to domestic violence survivors. Approximately 16 percent of all DV beds were in permanent housing programs." <https://www.huduser.gov/portal/sites/default/files/pdf/2018-AHAR-Part-2.pdf>

<sup>4</sup> [https://www.hud.gov/sites/dfiles/CPD/documents/ESG\\_CARES\\_Act\\_Round\\_2\\_Allocation\\_Methodology\\_rev.pdf](https://www.hud.gov/sites/dfiles/CPD/documents/ESG_CARES_Act_Round_2_Allocation_Methodology_rev.pdf)

percent of Area Median Income (AMI).<sup>5</sup> HUD used data sets on those households living in overcrowded units (1.01 or more persons per room) and/or without complete kitchen or plumbing (referred to below as “At-risk Category 1”); and for those households that in addition to meeting the income and housing condition criteria are also severely rent burdened (paying more than half their income for rent) (referred to below as “At-risk Category 2”).

To construct need measures for PHAs, HUD had to convert data to the county level. ACS at-risk of homelessness data are available at the county level. However, the PIT homeless data are available at the Continuums of Care geographies that can vary from a place within a county to being multiple counties. HUD allocated the PIT homeless data to the county level using a county-to-CoC crosswalk based on the renter share in each county with income less than 30 percent of AMI and then used it to determine comparative homeless and at-risk of homelessness need at a county-by-county level.

To allocate the PIT homeless data and the ACS at-risk of homelessness data to PHAs, each PHA was allocated these need variables based on their December 2020 share of voucher leasing in each county. For example, if a PHA’s share of currently served voucher tenants in a county is 20 percent, they would be allocated 20 percent of the need for that county. Their total need is the sum of their county allocated need across all counties in which they have active voucher tenants.

*b. Ensuring geographic diversity including with respect to rural areas*

As discussed above, HUD’s allocation formula is primarily driven by relative EHV eligibility need under the assumption that a PHA with an operating area that includes a higher number of homeless or at-risk of homelessness people should receive a larger allocation share than a PHA with relatively few homeless or at-risk of homelessness individuals and families in its operating area. However, PHAs serving rural areas might have a relatively low absolute number of such individuals and families due to the low population of the area in general, but nonetheless have a high rate of homeless and at-risk individuals and families as a percentage of that general population. To address these circumstances, HUD’s allocation formula also identifies PHAs that operate in areas which have high rates of homelessness or at-risk of homelessness (among all PHAs, those with a rate of need in the top quartile for any of the three need variables – homeless persons, At-risk Category 1, and At-risk Category 2), even if the overall number of those individuals and families is comparatively low when compared to the rest of the country. The formula ensures that at least one PHA operating in each area with these high homeless or at-risk of homelessness rates will receive an EHV allocation.

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<sup>5</sup>The McKinney-Vento definition of “at-risk” homelessness for households specifies that they have incomes of less than 30 percent of Area Median Income in addition to one or more other characteristic that puts them at risk for homelessness.

c. *Public housing agency capacity*

The HUD allocation formula considers two factors when determining the PHA's capacity to implement this program effectively and quickly. The first is how many vouchers an agency currently administers within each county. As discussed above, the more vouchers a PHA administers in a county relative to other PHAs with jurisdiction in that same county, the greater the share of the homeless/at-risk of homelessness need within the county that will be potentially allocated to that PHA.

The second factor is the PHA's estimated leasing potential, as measured by the PHA's current number of unleased vouchers and its available budget authority to lease those vouchers (over and above voucher turnover) in its existing HCV program. PHAs with HCV programs that are fully leased or almost fully leased are assumed to have the operational capacity to take on a new allocation of vouchers, specifically an allocation targeted for traditionally hard-to-house homeless and at-risk of homelessness populations. In contrast, PHAs that will simultaneously need to put significant attention and effort into leasing a significant number of unused vouchers that are already part of the PHA's HCV program are assumed to have less capacity to administer the EHV's.

HUD calculates leasing potential using the PHA's actual leasing and cost data reported by the PHA in the Voucher Management System (VMS) and all the budget authority available to the PHA for the calendar year (including reserves). HUD projects PHA spending for the future months based on VMS information (e.g., vouchers that have been issued to families that are currently engaged in their housing search, per unit cost (PUC) trends, etc.) and then estimates the number of vouchers the PHA could potentially lease, factoring in the need for the PHA to maintain a reasonable reserve. Once the need from each county is assigned to a PHA consistent with paragraphs (a) and (b) above, that need is then adjusted based on a PHA's current leasing potential for their existing HCV program.

Leasing potential for the initial 39 MTW agencies is calculated in the following manner. *The Planned Number of MTW HCV Households Served*, as stated in an MTW PHA's FY2020 Annual MTW Plan, is the total number of households that the MTW PHA planned to serve through the full Plan Year. This total is compared to VMS data from the last month of the MTW PHA's Fiscal Year 2020 (e.g., for an MTW PHA with a Fiscal Year 2020 that spans January 1, 2020 – December 31, 2020, December 2020 VMS data is used). Based on an MTW PHA's agreed upon baseline worksheet for the MTW statutory requirement of Serving Substantially the Same (STS) number of families as it otherwise would have absent MTW designation, certain Special Purpose Vouchers (SPVs) may have also been included in the leasing calculation if applicable to an MTW PHA's specific STS compliance documents.

The total number of MTW voucher units in VMS is then divided by the *Planned Number of MTW HCV Households Served* as stated in an agency's FY 2020 Annual MTW Plan, to arrive at a leasing percentage that determines if an agency has met its stated goal for

housing MTW voucher households for FY2020. MTW PHAs that have achieved less than 95 percent of their Planned Number of MTW HCV Households Served will have the allocation adjusted downward in proportion to the extent that it is below 95 percent.

Finally, with further respect to capacity, HUD may determine a PHA, including an MTW PHA, lacks capacity to administer EHV's based on unresolved outstanding civil rights violations or major program management findings from an Inspector General audit, HUD management review, or Independent Public Accountant (IPA) audit for the PHA's HCV program, or other significant program compliance issues that were not resolved, or in the process of being resolved, as determined by HUD.

*d. Base formula structure*

All PHAs will be assigned a base formula allocation, which is estimated using a dual formula structure that provides the highest allocation of vouchers for a PHA based on one of these formulas:

***Formula A. Homeless Need Adjusted for PHA Capacity***

*The estimated Homeless Need as described in paragraph (a)* assigned to a PHA reduced by the PHA's leasing potential *divided by* total Homeless Need *less* national leasing potential *multiplied by* the number of EHV's available to be allocated.

***Formula B. At-risk of Homelessness Need Adjusted for PHA Capacity***

***At-risk Category 1*** assigned to a PHA reduced by a PHA's leasing potential *divided by* all PHA At-risk Category 1 *less* national leasing potential *multiplied by* 50 percent of EHV's available to be allocated *plus*

***At-risk category 2*** assigned to a PHA reduced by a PHA's leasing potential *divided by* all PHA At-risk category 2 *less* national leasing potential *multiplied by* 50 percent of EHV's available to be allocated.

The formula compares the allocation the PHA would receive under each formula and uses the formula allocation that allocates the highest number of EHV's to the PHA. That assigned voucher allocation is then subject to a pro-rata reduction so that the total number of EHV's that will be allocated to all PHAs is equal to the 70,000 vouchers available to be allocated.

*e. Minimum allocation size and rural area adjustments*

HUD generally considers 25 vouchers to be the necessary minimum allocation size for a PHA to implement a targeted voucher program that has unique rules and alternative requirements. Accordingly, the basic allocation formula requires that the PHA must qualify for a minimum of 25 vouchers in order to receive an allocation with the following exception. As discussed earlier, the formula makes adjustments with respect to this minimum size in order to ensure high need rural areas are represented. For areas (county

or group of counties) with high rates of homelessness or at-risk of homelessness populations, at least one PHA will receive an allocation of EHV, even if no PHA met the minimum 25 voucher requirement. The PHA that is primarily operating in the high need area and to which the formula would allocate the largest allocation of EHV will be allocated the greater of (1) the number of vouchers it received under the base formula or (2) 15 EHV.

Each state has a base allocation, which is the total number of EHV allocated to each PHA in the state under the base formula allocation in paragraph d. The minimum size allocation requirement and the rural high need adjustments may, however, cause the base allocation of some states to change. To restore the state base allocation (and to maintain the national total of 70,000 EHV), the formula makes one final pro-rata adjustment. If there are not enough “below the minimum” vouchers (EHV not allocated because they were part of an allocation that was less than 25 vouchers) within the state necessary to make up for the rural high need adjustments (where PHAs received additional vouchers to reach the 15-voucher minimum), each PHA will always receive its minimum size allocation. The minimum allocation size is 25 vouchers in most cases but will be 24 to 15 vouchers for PHAs that received the rural high need adjustment.

If on the other hand there are more vouchers available for the state because of the number of “below the minimum” vouchers exceeded the number of vouchers needed to make the rural high need adjustments, the formula makes the following adjustment. First, the number of vouchers available for reallocation is reduced proportionate across all of this subgroup of states to support the vouchers allocated above the state base amounts described in the paragraph above.

Next, for the remaining vouchers, for states where there is a state agency that administers the HCV program, the state agency will receive the additional vouchers because the state agency is likely to be able to operate in those rural areas of the state that did not get an allocation because they did not qualify as a high need area. For states without a state agency administering the HCV program, HUD will prorate the excess “below the minimum” vouchers to all PHAs in the state that qualified for an EHV allocation based on their share of allocated vouchers above the high need rural area 15-voucher minimum.

HUD will reallocate any vouchers within the state that become available because PHAs declined their initial EHV allocation using the same approach described above, that is, allocating to state agencies if a state has a state agency or pro-rata within the state if it does not.

## **5. Invitation/Acceptance Process**

Once HUD has determined the EHV allocation in accordance with section 4 above, HUD will notify eligible PHAs of the number of EHV allocated to the PHA no later than May 10, 2021.

The notification will specify the number of vouchers allocated to the PHA in accordance with the allocation formula and will provide specific instructions regarding how the PHA may either accept or decline the allocation. While PHAs are encouraged to accept the entire EHV allocation, the PHA may choose to accept a lower number of vouchers than the number offered by HUD in the notification, but not less than the minimum allocation of 25 or 15 EHV, as applicable.

HUD may subsequently contact PHAs to ask them to accept or decline the offer of additional EHV if additional EHV become available because other PHAs declined their allocation.

PHAs are encouraged to respond to HUD's notification as soon as possible but must provide their acceptance of the allocation (or a portion of the allocation) and the terms and conditions of the program no later than 14 calendar days following HUD's notification.<sup>6</sup>

## **6. Administrative Fees and Funding for Other Eligible Expenses**

The ARP provides funding for fees for the costs of administering the EHV and other eligible expenses defined by notice to prevent, prepare for and respond to coronavirus to facilitate the leasing of the emergency housing vouchers, such as security deposit assistance and other costs related to retention and support of participating owners.

PHAs will be allocated administrative fee funding for EHV administrative costs and for other eligible expenses described in this notice. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers (e.g., regular HCVs, Mainstream vouchers, etc.). As is the case with Mainstream vouchers, the PHA must maintain separate financial records from its regular HCV funding for all EHV funding, both HAP and administrative fee amounts. Please see section 15 below for more information on the use of funds, reporting, and financial records.

PHAs will be allocated administrative fees as follows:

- a. Preliminary Fee.** PHAs will receive a single, one-time preliminary fee of \$400 per EHV allocated to the PHA once the PHA's CACC is amended to reflect the EHV funding obligation. This fee amount will support the anticipated immediate start-up costs that the PHA will incur in implementing the EHV alternative requirements, such as the outreach to and coordination with the CoC<sup>7</sup> and other potential partnering agencies and planning and development. This fee may be used for any eligible administrative expenses related to the EHV. This fee may also be used to pay for any of the eligible activities under the EHV services fee (see paragraph d below).
- b. Placement Fee /Expedited Issuance Reporting Fee.** This fee amount will support initial lease-up costs as well as the added cost and effort required to expedite the leasing

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<sup>6</sup> PHAs are not required to have the memorandum of understanding (MOU) in place with the CoC at the time they accept the allocation. PHAs that agree to accept an allocation must enter into an MOU with a partnering CoC within 30 days of the effective date of the ACC funding increment for the EHV. See section 9.b below.

<sup>7</sup> Please see the description of the CoC and its partnership role in referring families to the PHA in section 9.b below.



of the EHV. Initial lease-up costs are expected to include the PHA's costs to establish and refine the direct referral process with its partners and to expedite income determinations, family briefings, and voucher issuance. It also supports the PHA's costs to report the issuance of the EHV to HUD ahead of the normally applicable reporting deadlines, which will allow HUD access to EHV issuance data in as timely a manner as possible.

PHAs will receive \$100 for each EHV that is initially leased upon the effective leasing date of that voucher if the PHA reported the voucher issuance date<sup>8</sup> in the Public Housing Information Center-Next Generation (PIC-NG) system within 14 days of the later of the voucher issuance date or the date when the system becomes available for reporting. (See Section 15 for additional information on reporting requirements.)

PHAs will receive an additional placement fee of \$500 for each EHV family placed under a HAP contract that is effective no later than four months after the effective date of the ACC funding increment for that EHV, or \$250 for each EHV family placed under a HAP contract with an effective date that is after 4 months but no later than six months after the effective date of the ACC funding increment for that EHV.<sup>9</sup> This bifurcated fee structure is based on the anticipated extra costs the PHA will experience in its efforts to expedite the leasing of the EHV and the expectation that those costs should start to diminish as the PHA gains more experience operating the EHV program and resolving leasing challenges for EHV families.

In cases where the PHA received more than one EHV allocation and the funding increments have different dates, HUD will determine the PHA's eligibility for the placement fee based on the effective date of the PHA's initial increment. EHV's from the initial increment are expected to be issued and leased first for purposes of calculating the placement fee. Once the number of EHV's under lease equals the total number of vouchers allocated under the initial increment, HUD will use the effective date of the PHA's subsequent allocation to determine the PHA's eligibility for the \$500 or \$250 placement fee.

For example, if the PHA reported the voucher issuance within 14 days and leased the voucher within the four-month window, the PHA would receive \$600 as the total placement and expedited issuance fee. If the PHA reported the voucher issuance within 14 days and leased the voucher within the six-month window, the PHA would receive \$350. If the PHA reported the voucher issuance within 14 days but did not lease the voucher until after the six-month window had passed, the PHA would receive \$100. The PHA does not receive the fee if the issued voucher is never leased.

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<sup>8</sup> The "voucher issuance date" is the actual date the voucher is issued to the family, line 2 on the Voucher (form HUD-52646).

<sup>9</sup> For example, if the funding increment for the family's EHV is June 1, 2021, the HAP contract must have an effective date of no later than October 1, 2021, for the PHA to earn the \$500 placement fee, or no later than December 1, 2021, for the PHA to earn the \$250 placement fee.

The placement/expedited issuance reporting fee is only applicable to the initial time the voucher is leased by the PHA. The placement/expedited issuance reporting fee is not paid for subsequent lease-ups (e.g., the family moves to another unit or the EHV participant leaves the program and the voucher is reissued to another family prior to the prohibition on reissuance of turnover vouchers after September 30, 2023).

This placement fee may be used for any eligible administrative expenses related to the EHV. This fee may also be used to pay for any of the eligible activities under the EHV services fee (see paragraph d below).

- c. On-going Administrative Fee.** The on-going administrative fee for EHV is calculated in the same manner as the on-going administrative fee that the PHA receives for its regular HCV program. PHAs will be allocated the full Column A administrative fee amount for each EHV that is under HAP contract as of the first day of each month. The Column A administrative fee rates for the HCV program are available on HUD's website and may be accessed at the following:

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv)

As the ARP appropriations for the EHV are obligated to PHAs and expended by PHAs on program purposes over time, HUD may be required to prorate the EHV ongoing administrative fee calculations in future years, based on available EHV funding.

Similar to the regular HCV administrative fee process, HUD will make the EHV ongoing administrative fees available to PHAs each month based on actual leasing reported by the PHA for prior months. HUD will reconcile the PHA's EHV administrative fees on a periodic basis and at the end of each calendar year (commencing with CY 2022). HUD recognizes that prior month EHV leasing data will not be available during the early stages of the PHA's EHV program. For each of the first three months following the ACC funding increment effective date, HUD will advance the PHA ongoing administrative fees equal to the amount of ongoing administrative fees the PHA would receive for that month if all EHV allocated to the PHA were fully leased so that the PHA also has ongoing administrative fees available to meet the initial costs of EHV administration. The advanced ongoing administrative fees will be taken into account when HUD first reconciles the PHA's EHV administrative fees.

EHV ongoing administrative fees may be used for any eligible administrative expenses related to the EHV. These fees may also be used to pay for any of the eligible activities under the EHV services fee (see paragraph d below).

- d. Services Fee.** A PHA will be allocated a one-time services fee to support its efforts in implementing and operating an effective EHV services program that will best address the needs of EHV eligible individuals and families in its jurisdiction. This fee will be allocated to the PHA once the PHA's CACC is amended to reflect the EHV funding obligation. The amount allocated to each PHA will be equal to \$3,500 for each EHV allocated to the PHA. Note that the services fee amount is not tied to each voucher, but instead is the combined total of the services fees are available to the PHA to design a

menu of services that will best address the leasing challenges faced by the EHV eligible families in the PHA's community. The PHA may use the services fee to provide any or all of the defined eligible uses to assist families to successfully lease units with the EHV's.

The PHA is strongly encouraged to consult with its CoC and its other homeless services/victim services referral partners in establishing which activities it will undertake in support of EHV's and any parameters or requirements regarding the application of those activities. For example, if the PHA is working with several direct referral partners and one partner is able to provide security deposit assistance and the other is not, the PHA may provide security deposit assistance for direct referral families from the latter agency but not for families who are already eligible for and receiving security deposit assistance from the partnering agency. The PHA may limit the amount of assistance that it provides for any of the eligible uses and place other restrictions on those uses. However, the services fee funding must be initially used for these defined eligible uses and not for other administrative expenses of the EHV. Service fee funding may never be used for the HCV program.

The eligible uses implemented by the PHA and the parameters/requirements established by the PHA must be described in the PHA's administrative plan. Any services fee assistance that is returned to the PHA after its initial or subsequent use (such as security deposits/utility deposits/other assistance that may be wholly or partly returned to the PHA by the owner/utility supplier/family) may only be applied to the eligible services fee uses defined by this notice (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA's EHV program ends must be remitted to HUD.

The eligible uses are designed to prevent and respond to coronavirus by facilitating the leasing of the EHV's, which will provide vulnerable individuals and families a much safer housing environment to minimize the risk of coronavirus exposure or spread. Individuals and families who are homeless or at-risk of homelessness are often living in conditions that significantly increase the risk of exposure to coronavirus in addition to other health risks.

The services fees fall into four main components comprised of specific activities:

**i. Housing Search Assistance.**

As discussed in section 9.d below, the PHA is required to ensure housing search assistance is made available to EHV families during their initial housing search. The PHA may use the services fee funding to provide this required housing search assistance to EHV families during their initial housing search. Housing search assistance is a broad term which may include many activities such as but not limited to helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for

the family. For specific information on the EHV housing search assistance requirement, please refer to section 9.d.

**ii. Security Deposit/Utility Deposit/Rental Application/Holding Fee Uses.**

- A. Application fees/non-refundable administrative or processing fees<sup>10</sup>/refundable application deposit assistance.** The PHA may choose to assist the family with some or all these expenses.
- B. Holding fees.** In some markets, it is not uncommon for an owner to request a holding fee that is rolled into the security deposit after an application is accepted but before a lease is signed. The PHA may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The PHA and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.
- C. Security deposit assistance.** The PHA may provide security deposit assistance for the family. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The PHA may choose to pay the security deposit assistance directly to the owner or may pay the assistance to the family, provided the PHA verifies the family paid the security deposit. The PHA may place conditions on the security deposit assistance, such as requiring the owner or family to return the security deposit assistance to the PHA at the end of the family's tenancy (less any amounts retained by the owner in accordance with the lease). Security deposit assistance returned to the PHA must be used for either services fee eligible uses or other EHV administrative costs.
- D. Utility deposit assistance/utility arrears.** The PHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The PHA may choose to pay the utility deposit assistance directly to the utility company or may pay the assistance to the family, provided the PHA verifies the family paid the utility deposit. The PHA may place conditions on the utility deposit assistance, such as requiring the utility supplier or family to return the utility

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<sup>10</sup> In some markets, non-refundable administrative fees are becoming more common as states pass laws limiting application fees, or as an alternative to refundable deposits.

deposit assistance to the PHA at such time the deposit is returned by the utility supplier (less any amounts retained by the utility supplier). In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The PHA may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance that is returned to the PHA must be used for either services fee eligible uses or other EHV administrative costs.

**iii. Owner-related uses.**

- A. Owner recruitment and outreach.** The PHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHV's. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections (see section 9.1 below) or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments (see paragraph B that follows below).
- B. Owner incentive and/or retention payments.** The PHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family. The PHA may design the owner incentive payment to meet its specific needs (such as, for example, limiting the incentive payments to new owners or owners in high opportunity neighborhoods, or structuring all or part of the payment as a damages or unpaid rent mitigation fund, where the owner receives the mitigation payment only if the security deposit is insufficient to cover damages and other amounts owed under the lease). The PHA may condition the offer of the owner incentive payment on the owner's agreement to abide by certain terms and conditions. For example, the PHA could require the owner to agree to contact and work with the family's CoC case manager or other intervention services (assuming such services are available) should lease violations or other tenant-related issues arise during the assisted tenancy before taking action to evict the tenant.

HUD anticipates that owner incentive/retention payments would typically be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). However, regardless of the frequency that the PHA chooses to make such payments, owner incentive/retentions payments are not housing assistance payments and are not part of the rent to owner. Owner incentive/retention payments are not taken into consideration when determining whether the rent for the unit is reasonable.

**iv. Other eligible uses.**

- A. Moving expenses (including move-in fees and deposits).** The PHA may provide assistance for some or all of the family's reasonable moving expenses

when they initially lease a unit with the EHV. The PHA may not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the PHA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking, for example.

- B. Tenant-readiness services.** The PHA may use the services fee funding to help create customized plans to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.
- C. Essential household items.** The PHA may use the services fee funding to assist the family with some or all of the costs of acquiring essential household items as defined by the PHA (e.g., tableware, bedding, etc.).
- D. Renter's insurance if required by the lease.** The PHA may use the services fee funding to assist the family with some or all of the cost of renter's insurance, but only in cases where the purchase of renter's insurance is a condition of the lease.

## **7. Housing Assistance Payments (HAP) Funding**

ARP funding obligated to the PHA as HAP funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

EHV HAP funding amounts will be calculated as follows:

### **a. Initial funding allocation**

Upon the PHA's acceptance of the EHV allocation in accordance with section 5 above and the requirements of the allocation notification, HUD will amend the PHA's CACC to reflect the obligation of the EHV funding and the associated units for the initial funding term of those vouchers.

The initial funding term will expire on December 31, 2022.

The initial funding increment for the EHV allocation will be based on the PHA's per unit cost (PUC) for the PHA's HCV program, adjusted for inflation and taking into consideration that the initial term is longer than 12 months. However, if during the initial term a PHA can demonstrate based on actual leasing and costs that the HAP funding will

be insufficient to cover its actual HAP costs for the EHV's for the initial term, the PHA may request that HUD adjust the initial funding increment amount for the EHV's during the initial funding term. If the PHA has demonstrated the need to do so, HUD will adjust the initial funding amount based on the actual costs incurred upon request by the PHA to ensure the PHA has sufficient funding during the initial funding term to lease all of its EHV's and pay its EHV HAP costs through December 31, 2022. If the PHA believes that it needs an adjustment, it should contact its financial analyst in HUD's Office of Housing Voucher Programs Financial Management Center (FMC).

**b. Renewal funding process**

HUD will provide renewal funding to the PHA for the EHV's on a calendar year basis commencing with CY 2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs and leasing, similar in many respects to the renewal process for the regular HCV program. However, renewal funding for the EHV's is not part of the annual HCV renewal funding formula nor are the funds for EHV renewals appropriated in HUD's annual appropriations Acts. EHV's are renewed separately from the regular HCV program (similar to Mainstream vouchers). All renewal funding for the duration of the EHV program has already been appropriated as part of the \$5 billion provided by the ARP. No additional EHV HAP renewal appropriations are anticipated at this time.

The process for determining the PHA's EHV renewal funding for CY 2023 and subsequent calendar years is described below. Note that PHAs may receive an estimated renewal amount for the first few months of the calendar year until their final renewal eligibility is determined for the calendar year.

- (1) The HAP funding baseline is established based on the PHA's actual EHV leasing and cost data for the previous calendar year.
- (2) The Renewal Funding Inflation Factor (RFIF) used in the HCV program, adjusted for localities, will be applied to the PHA's EHV HAP funding baseline described above. The RFIFs are published by HUD's Office of Policy, Development and Research (PD&R) and can be found at <https://www.huduser.gov/portal/datasets/rfif/rfif.html>.
- (3) HUD will review the PHA's EHV Restricted Net Position (RNP), including amounts held by HUD, for the PHA's EHV's. HUD may adjust the CY renewal allocation based on the calculated year end EHV RNP and HUD Held Reserves. Starting with the CY 2024 renewal allocations, HUD will also take into consideration the number of EHV's that have turned over and cannot be reissued because of the statutory prohibition on reissuance of turnover vouchers after September 30, 2023. HUD will further adjust the renewal allocation based on the number of vouchers that are being reallocated to other PHAs due to the PHA's failure to lease its authorized vouchers as described in section 14 below.

HUD will consider the number of vouchers that have not yet been leased and if the number of EHV's leased increased throughout the baseline CY. If the renewal

allocation and the PHA's EHV RNP and HUD Held Reserves are insufficient to account for the increased leasing or expected increased leasing, HUD will adjust the renewal funding allocation accordingly.

- (4) Adjustments to the PHA's EHV renewal allocation may also be made during the HCV renewal funding calendar year. Subject to availability of the remaining funds, HUD will adjust renewal allocations upon request by the PHA for (1) EHV per-unit cost increases for unforeseen circumstances that occurred within or after the benchmarking period which the PHA could not reasonably have anticipated and were out of the PHA's control, and (2) a PHA that would otherwise be required to terminate participating EHV families from the program due to insufficient funds, despite taking reasonable cost savings measures as determined by HUD,.
- (5) When the remaining EHV HAP renewal funding is no longer sufficient to fully fund all PHAs' EHV renewal funding eligibility, HUD will prorate EHV renewal funding allocations. To determine the proration factor for the EHV renewal allocation, HUD will calculate the total HAP renewal funding eligibility for all PHAs still administering EHV's and compare that amount to the remaining available EHV HAP renewal funds. This proration factor is then applied to each PHA's EHV HAP renewal eligibility to determine the EHV renewal allocations.

HUD will provide the PHA with detailed information on its EHV renewal calculations and the process by which PHAs may request renewal funding allocation adjustments during the covered renewal period.

## **8. Individual and Family Eligibility under the Qualifying Categories**

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

In general, the verification that the individual or family meets one of these four eligibility categories is conducted by the CoC or another partnering agency that makes direct referrals to the PHA. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

The following definitions always apply with respect to EHV eligibility, regardless of whether the PHA may have established another definition for any of these terms in its PHA administrative plan.



**a. Individuals and families who are homeless**

The meaning of “homeless” is as such term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), which is codified in HUD’s Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

*Homeless* means:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
  - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
- (2) An individual or family who will imminently lose their primary nighttime residence, provided that:
  - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
  - (ii) No subsequent residence has been identified; and
  - (iii) The individual or family lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain other permanent housing.
- (3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
  - (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42

U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

**b. Individuals or families who are at-risk of homelessness**

The meaning of “at-risk of homelessness” is as such term is defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), which is codified in HUD’s Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

*At risk of homelessness.* (1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have sufficient resources or support networks, *e.g.*, family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition above; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their

current housing or living situation will be terminated within 21 days of the date of application for assistance;

- (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
- (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
- (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

**c. Individuals or families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking**

This category is composed of any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90-day period preceding the date of the request for transfer.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by:

- a. a current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),
- b. a person with whom the victim shares a child in common,
- c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating violence** means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  1. The length of the relationship;
  2. The type of relationship; and
  3. The frequency of interaction between the persons involved in the relationship.

**Sexual assault** means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person’s individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

**Human trafficking** includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as:

*Sex trafficking* means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of

age; (and)

*Labor trafficking* means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

**d. Individuals or families who are recently homeless**

This category is composed of individuals and families determined by the CoC or its designee to meet the following definition.

***Recently homeless*** is defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.

Individuals and families classified as recently homeless must be referred by the CoC or its designee.

**9. Waivers and Alternative Requirements.**

The Secretary may waive or specify alternative requirements for any provision of the United States Housing Act of 1937 or regulation applicable to such statute other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of EHV funding.

EHVs are tenant-based vouchers under Section 8(o) of the United States Housing Act of 1937. Unless expressly waived below, all statutory and regulatory requirements and HUD directives regarding the HCV program are applicable to EHVs, including the use of all HUD-required contracts and other forms. The administrative policies adopted in the PHA's written administrative plan apply to the EHVs vouchers unless such local policy conflicts with the requirements of the ARP, the requirements of this notice, or the waivers and alternative requirements outlined below.

These waivers and alternative requirements have been determined by the Secretary to be necessary to expedite and facilitate the use of the EHV funding. These waivers or alternative requirements are exceptions to the normal HCV requirements, which otherwise apply to the administration of the EHVs.

HUD may waive and/or establish alternative requirements for additional statutory and regulatory provisions by subsequent notice. A PHA may request additional good cause regulatory waivers in connection with the use of the EHV, which HUD will consider and assess upon the request of the PHA.

**a. COVID-19 waivers (waivers authorized for the regular HCV program under the CARES Act)**

The Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136) provides HUD with broad authority to waive or establish alternative requirements for numerous statutory and regulatory requirements for the HCV program. However, the CARES Act waiver authority does not cover EHV funding appropriated by the ARP.

HUD recognizes that the challenges the COVID-19 pandemic has created for the regular HCV program will likewise apply to the administration of the EHV. Consequently, HUD is exercising its waiver authority under the ARP to provide some of the same menu of HCV-applicable CARES Act waivers to PHAs for administration of the EHV assistance. The use of these COVID-19-related EHV waivers is at the discretion of the individual PHA. A PHA may choose to apply all, some, or none of the waivers to the EHV assistance.

Unlike the other ARP waivers provided through this notice, these EHV COVID-19 waivers have limited periods of availability that currently match the same periods of availability for the CARES Act waivers. The period of availability for these EHV COVID-19 waivers/alternative requirements, collectively or individually, may be further extended by PIH notice should HUD determine that such similar extension is necessary for the CARES Act waivers, or if HUD otherwise determines it necessary to further extend these waivers for the EHV. PHAs that implement these waivers are not required to keep the waiver/alternative requirement in-place for the full period of availability (including any extension) but may at any time choose to revert to regular program requirements and operations.

Attachment 1 of this notice provides the list of COVID-19 related waivers that the PHA may apply to the EHV. PHAs should refer to Notice PIH 2021-14 or its successor notice(s) for detailed information on the individual waivers listed in Attachment 1.

**b. Required partnerships with the CoC and other organizations for direct referrals and services**

EHVs are one of several resources that communities can use to house individuals and families who are experiencing homelessness or have unstable housing. To ensure that the EHV assist families who are most in need, PHAs are required to work with community partners to determine the best use and targeting for the vouchers along with other resources available in the community.

HUD's CoC program is authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381-11389). The program is designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, States, and local governments to quickly rehouse homeless individuals (including unaccompanied youth) and families, while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effective utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

The CoC is organized to carry out the responsibilities required under the program and is composed of representatives of organizations, including nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons to the extent these groups are represented within the geographic area and are available to participate.

Provisions in the CoC Program Interim Rule at 24 CFR § 578.7(a)(8) require that CoCs establish a Coordinated Entry (CE) System. The CE System is a centralized or coordinated process designed to coordinate program participant intake assessment and provision of referrals. A centralized or coordinated assessment system covers the geographic area of the CoC, is easily accessed by individuals and families seeking housing or services, is well advertised, and includes a comprehensive and standardized assessment tool.

HUD is establishing an alternative requirement under which the PHA must enter into a Memorandum of Understanding (MOU) with the CoC to establish a partnership for the administration of the EHV. The primary responsibility of the CoC under the MOU is to make direct referrals of qualifying individuals and families to the PHA (see section 9.c below). Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHV. Additionally, CoCs are encouraged to offer or make connections to supportive services for families that are referred to the PHA, including, but not limited to, short- or long-term case management, collecting necessary verifications to support referrals, housing counseling, housing search assistance and utility deposit assistance.<sup>11</sup> HUD recommends CoCs and PHAs seek a diverse range of supportive services by partnering with organizations trusted by people experiencing homelessness. The specific services that the CoCs will provide to individuals or families referred for the EHV program must be outlined in the MOU with the CoC.

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<sup>11</sup>PHAs may use services fee funding for housing search assistance and utility deposit services, but if such services are already available through the CoC, the services fee funding should be directed to other uses that are not available through the CoC. It is important that the PHA collaborate with the CoC and any other partnering agencies in designing its menu of uses for the services fee funding.

PHAs that agree to accept an allocation must enter into an MOU with a partnering CoC within 30 days of the effective date of the ACC funding increment for the EHV's.

The MOU is a complete statement of the responsibilities of the parties and evidence of a commitment of resources to the EHV program. The MOU may be subsequently amended to add or change the services that the CoC may provide but must always retain the direct referral responsibility of the CoC. A sample MOU template is included in Attachment 2 of this notice.

The MOU must include at a minimum:

1. The PHA's and CoC's commitment to administering the EHV's in partnership.
2. The goals and standards of success in administering the EHV's.
3. The staff position for each organization that will serve as the lead EHV liaison.
4. A statement that all parties agree to cooperate with any program evaluation efforts undertaken by HUD, or a HUD-approved contractor, including compliance with HUD evaluation protocols and data sharing requests.
5. The specific population eligible for the EHV assistance that will be referred to the PHA by the CoC or other partnering referral agency.
6. The services, including financial assistance, that will be provided to assist EHV applicants and participants and who will provide them.
7. The roles and responsibilities of the PHA and CoC, including but not limited to the CoC making direct referrals of families to the PHA through the CE system.

A PHA that experiences difficulty in identifying a CoC partner, or where the CoC may be unwilling or reluctant to enter the MOU due to capacity issues or other concerns, or where the PHA is worried about its ability to fulfill this requirement within the required deadline despite a good-faith effort, is encouraged to contact HUD as promptly as possible for assistance. HUD or its Technical Assistance (TA) provider will work with the PHA to help facilitate a partnership, which may include using a partnering referral agency other than the CoC. In rare circumstances HUD may waive the partnership/direct referral requirement for the PHA for an interim period if such a step is necessary while building capacity at the CoC or other potential partnering referral agency. Information on EHV technical assistance and how to request it will be provided by HUD during the EHV webinar to be conducted after issuance of this notice.

**c. Admissions process - Direct referrals from the CoC and other partnering organizations**

PHAs must accept referrals for EHV's directly from the CE System. Accepting direct referrals from the CE System will help ensure families are able to get assistance quickly and eliminate the administrative burden on the PHA regarding the determination as to whether the family meets the definition of a qualifying individual or family for EHV assistance. CoC partners may also support applicants through the application process and attend meetings with applicants and PHAs to aid individuals and families through the admissions process. Direct referrals for EHV's are not added to the PHA's regular HCV



waiting list.

In general, EHV families are issued EHV as the result of either:

- (1) the direct referral process from the CoC CE System and/or other partnering organizations, or
- (2) a situation where the PHA makes an EHV available in order to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in the PHA's Emergency Transfer Plan. (PHAs are strongly encouraged to utilize EHV as a resource to effectuate emergency transfers for a victim of domestic violence, dating violence, sexual assault, or stalking, as part of their Violence Against Women Act (VAWA) Emergency Transfer Plan.)

The PHA must also take direct referrals from outside the CoC CE system if:

- (1) the CE system does not have a sufficient number of eligible families to refer to the PHA, or
- (2) the CE system does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

In those instances the PHA must enter into a partnership to receive direct referrals from another entity (a Victim Services provider or anti-trafficking service provider, for example, if the CE system is not referring victims fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human tracking) or another homeless services provider (if there are not enough direct referrals coming through the CE system), assuming there are such additional organizations that can certify that an individual or family is homeless or at risk of homelessness, formerly homeless, is an individual or family is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking. (Applicants under the "Recently homeless" category must by definition (see section 8.d above) always be referred by the CoC or its designee.) The PHA must enter an MOU with partnering referral agency as described above in section 9.b. Alternatively, the partnering referral agency may be added to the MOU between the PHA and CoC.

The referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family's file. HUD has attached to this notice two examples of certifications that could be used to document the referring agency's verification. (See Attachments 3 and 4).

Other than cases where a family is requesting an emergency transfer in accordance with VAWA as outlined in the PHA's Emergency Transfer Plan, the PHA must refer a family

that is seeking EHV assistance directly from the PHA to the CoC or other referring agency partner for initial intake, assessment, and possible referral for EHV assistance.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC CE system or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), the PHA should contact HUD for assistance. HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

PHAs must inform families on the HCV waiting list of the availability of EHV by, at a minimum, either by posting the information to their website or providing public notice in their respective communities. The PHA notice must describe the eligible populations to which the EHV is limited and clearly state that the availability of these EHV is managed through a direct referral process. The PHA notice must advise the family to contact the CoC (or any other PHA referral partner, if applicable) if the family believes they may be eligible for EHV assistance. In providing this notice, PHAs must ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities. PHAs must also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP). (See Section 11 – Nondiscrimination and Equal Opportunity Requirements - for more information.)

If the PHA has a preference for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for this preference to the CoC or the applicable partnering referral agency. The CoC or partnering referral agency will determine if the family is eligible (based on the qualifying definition for EHV assistance for those fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking or another eligible category as applicable) for an EHV.

If the PHA has a homeless preference for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for the homeless preference to the CoC. The CoC will determine whether the family is eligible for an EHV (based on the qualifying definition for EHV assistance for homelessness or another eligible category as applicable). The CoC will also determine if the family is eligible for other homeless assistance through the CE system.

With the exception of special admissions,<sup>12</sup> the HCV regulations require that the PHA admit an applicant as a waiting list admission. In order to implement the above alternative requirements, HUD is waiving § 982.204(a), which requires that except for special admissions, participants must be selected from the PHA waiting list and that the PHA must select participants from the waiting list in accordance with admission policies

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<sup>12</sup> A special admission (24 CFR § 982.203) is a non-waiting list admission that is only applicable if HUD awards a PHA program funding that is targeted for families living in specified units.

in the PHA administrative plan.

**d. Required housing search assistance**

Housing search assistance can help EHV participants successfully move to areas of higher opportunity, as well as broaden the pool of landlords participating in the EHV program, including culturally or racially diverse landlords and landlords with smaller numbers of units. HUD has established as an alternative requirement that the PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

Housing search assistance is a broad term which can include many activities, but with respect to this requirement it must at a minimum (1) help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods, (2) provide transportation assistance and directions to potential units, (3) conduct owner outreach, (4) assist with the completion of rental applications and PHA forms, and (5) help expedite the EHV leasing process for the family. Other recommended, but not required, housing search activities include helping individual families identify barriers to leasing (e.g., low credit score, evictions history) and strategies to address these barriers, workshops on how to conduct an effective housing search, enhanced support for portability processing, regular proactive check-ins for families searching with a voucher, regular reminders to the family of their voucher expiration date and extension policies, and a dedicated landlord liaison for EHV voucher families. The PHA may use any of the EHV administrative fees (including the services fees) described in section 6 for EHV housing search assistance.

**e. Separate waiting list for EHV's**

The HCV program regulations at § 982.204(f) provide that a PHA must use a single waiting list for admission to its HCV program.

It is possible that the number of applicants referred by partnering agencies at a given time may exceed the EHV's available for the PHA to issue to families. HUD recognizes that requiring PHAs to utilize its existing HCV waiting list to manage EHV referrals will create unnecessary administrative burden, complications, and delays.

HUD is therefore waiving § 982.204(f) to establish an alternative requirement under which the PHA shall maintain a separate waiting list for EHV referrals/applicants to help expedite the leasing process, both at initial leasing and for any turnover vouchers that may be issued prior to the September 30, 2023 turnover voucher cut-off date.

Because the EHV waiting list is based on direct referrals or requests through the PHA's VAWA emergency transfer plan and not applications from the general public, HUD is also waiving § 982.206, which requires the PHA to give public notice when opening and

closing the waiting list. Under this alternative requirement, the PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

**f. Local Preferences**

Under the HCV program, the PHA may establish a system of local preferences for the selection of families. The PHA may have an existing set of local preferences for its HCV program that understandably does not align with the specific targeted purpose of the EHV. Furthermore, the PHA, in conjunction with the CoC and other referral partners, may wish to establish preferences specifically designed for EHV admissions that the PHA would not want to apply to its regular HCV waiting list. Excluding EHV from the PHA's normally applicable local preference system will simplify EHV administration and ensure that EHV are not being prioritized based on preferences designed for the broad universe of HCV eligible applicants rather than the subset of EHV qualifying families.

HUD is waiving § 982.207(a) and establishing an alternative requirement that the local preferences established by the PHA for HCV admissions do not apply to EHV. The PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHV, or may simply choose to not establish any local preferences for the EHV waiting list.

In establishing any local preferences for the EHV waiting list, the preference may not prohibit EHV admissions from any of the four qualifying categories of eligibility. The preference system prioritizes the order in which families on the EHV waiting list are assisted but does not allow the PHA to refuse to accept a referred family that meets one of the four EHV eligibility categories, or otherwise delay issuance of an available voucher to that eligible family in order to "hold" the voucher for a future referral of a preference holder. In cases where the PHA and the referral agency partners are contemplating local preferences for the EHV waiting list, HUD strongly encourages PHAs and their partners to consider designing preferences that take into consideration the comparative health risks that COVID-19 poses to the subgroup of families eligible for EHV (e.g., individuals or families living in environments where practicing social distancing or taking other preventive measures may be particularly challenging). The PHA must ensure any local preferences did not discriminate on the basis of any federally protected classes and cannot utilize criteria or methods of administration which would result in discrimination. See Section 11 – Nondiscrimination and Equal Opportunity Requirements for more information on applicable federal civil rights requirements.

The HCV program regulations at § 982.207(b) allows a PHA to adopt and implement a residency preference in accordance with the non-discrimination and equal opportunity requirements listed at § 5.105(a). Given the emergency nature of these vouchers, the fact that many individuals and families in the targeted populations may not necessarily qualify as a "resident" due to their housing circumstances, and the direct referral /coordinated

entry aspect of EHV administration, it is not appropriate to apply residency preferences for EHV admission. Consequently, HUD is waiving § 982.207(b) and establishing an alternative requirement under which a PHA may not apply any residency preference to EHV applicants.

**g. Restrictions on PHA denial of assistance to an EHV applicant**

The HCV program regulations at § 982.552 and § 982.553 cover the grounds under which a PHA may deny an applicant admission to the program and in certain cases is required to do so. These grounds include the following:

- If any member of the family has been evicted from federally assisted housing in the last five years.
- If a PHA has ever terminated assistance under the program for any member of the family.
- If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
- If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- If the family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
- If the family engaged in or threatened abusive or violent behavior toward PHA personnel.
- If the family has been engaged in criminal activity or alcohol abuse as described in § 982.553.

HUD is waiving §982.552 and § 982.553 in part and establishing an alternative requirement with respect to mandatory and permissive prohibitions of admissions for EHV applicants. The EHV alternative requirement is as follows:

*Mandatory Prohibitions.*

- (1) The PHA must apply the standards it established under § 982.553(a)(1)(ii)(C) that prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.
- (2) The PHA must apply the standards it established under § 982.553(a)(2)(i) that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program to EHV applicants.

*Permissive Prohibitions.*

The PHA may prohibit admission of a family for the grounds stated below. The PHA may choose not to prohibit admission for these grounds or may establish a more permissive policy than the PHA's policy for admission to the regular HCV program. The PHA may not establish a permissive prohibition policy for EHV applicants that is more prohibitive than the policy established for admissions to the regular HCV program. The PHA policy on EHV permissive prohibitions must be described in the PHA's administrative plan.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration. The PHA policy on EHV permissive prohibitions must be described in the PHA's administrative plan. Determinations must be made based on an individualized assessment of relevant mitigating information.<sup>13</sup> The permissive prohibitions are:

- (1) If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:
  - a. Violent criminal activity.
  - b. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.<sup>14</sup>
- (2) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.
- (3) If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.

Unlike regular HCV admissions, PHAs may not deny an EHV applicant admission regardless of whether:

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<sup>13</sup> See Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016), available at [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF) at 7 (“individualized assessment of relevant mitigating information beyond that contained in an individual’s criminal record is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account. Relevant individualized evidence might include: the facts or circumstances surrounding the criminal conduct . . . evidence that the individual has maintained a good tenant history before and/or after the . . . conduct; and evidence of rehabilitation efforts.”)

<sup>14</sup> Please see PIH Notice 2015-19. The purpose of PIH 2015-19 is to inform PHAs and owners of other federally-assisted housing that arrest records may not be the basis for denying admission, terminating assistance or evicting tenants, to remind PHAs and owners that HUD does not require their adoption of “One Strike” policies, and to remind them of their obligation to safeguard the due process rights of applicants and tenants. *See also* Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016), available at [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF) (overviewing how applying criminal records screening too broadly may implicate fair housing liability for housing providers).

- Any member of the family has been evicted from federally assisted housing in the §A PHA has ever terminated assistance under the program for any member of the family.
- The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with §982.553(a)(3).
- The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

Similar to the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program, HUD is eliminating the PHA's permissive prohibitions for EHV admissions for drug-related criminal activity. The eligible populations of homeless and at-risk of homelessness individuals and families may include individuals struggling with drug addiction, and that addiction may be one of the root causes of their homelessness. As demonstrated by the "Housing First" model, providing the individual with safe housing may be a critical first step in helping the individual recover from addiction. Consequently, prohibitions based on criminal activity for the eligible EHV populations regarding drug possession should be considered apart from criminal activity against persons (i.e., violent criminal activity). Further, the Department remains concerned about the potential discriminatory effect that reliance on drug-related criminal activity history as grounds for denial of admission may pose for the EHV program. For further information on the use of criminal histories and the Fair Housing Act, please see [HUD's Office of General Counsel Guidance on the Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, issued on April 4, 2016](#).<sup>15</sup>

The PHA must still deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR part 5 as required by § 982.552(b)(3), but should notify the family of the limited EHV grounds for denial of admission first.

When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at § 982.551(h)(2) apply. Other than the birth,

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<sup>15</sup> Available at [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF). This Guidance cautions against the screening of applicants for tenancy using criminal records where such screening may disproportionately impact protected classes, and where the housing provider cannot prove such a policy is necessary to achieve a substantial, legitimate, nondiscriminatory interest.

adoption or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular screening criteria in doing so.

#### **h. Income Verification at Admissions**

Under the HCV program, PHAs must determine whether an applicant family's income exceeds the applicable income limit as established by HUD in the jurisdiction where the family wishes to lease a unit. While the verification hierarchy described in Notice PIH 2018-18 applies to income determinations for applicants, the Enterprise Income Verification (EIV) system generally is not available for verifying income of applicants.

The program regulations under § 982.201(e) requires that the PHA must receive information verifying that an applicant is eligible within the 60-day period before the PHA issues a voucher to the applicant. For verification purposes, Notice PIH 2018-18 states that third-party generated documents be dated within 60 days of the PHA's request.

For homeless families and other EHV eligible families, documentation may not be readily on-hand and may be difficult to obtain quickly. Accepting self-certifications and allowing for the delay of receipt of documentation and/or third-party verification will allow the CoC/partnering agency to assist the family in obtaining the necessary documentation without unduly delaying the family's housing assistance.

HUD is waiving the third-party income verification requirements for EHV applicants and, alternatively, allowing PHAs to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request. For example, a Supplemental Security Income (SSI) benefit letter that was issued in November 2020 to represent the applicant's benefit amount for 2021 and was provided to the PHA in September 2021 would be an acceptable form of income verification. As a reminder, the PHA may also use the SSI benefit letter as proof of disability.

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must: review the EIV Income and Income Validation Tool (IVT) Reports to confirm/validate family-reported income within 90 days of the PIC-NG (see Section 15 of this notice below) submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search. The PHA may be required to deny assistance to household members already receiving assistance from another program.



PHAs are encouraged to incorporate additional procedures to remind families of the obligation to provide true and complete information. PHAs that conduct eligibility determinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later and must take necessary enforcement actions if the tenant was never eligible due to their income, as well as initiate HUD-compliant payment plans for those whose unreported income was unintentional and do not make the tenant ineligible for the program accordingly.

The adoption of this waiver does not authorize any ineligible family to receive assistance under these programs. If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

**i. Eligibility Determination: Social Security Number and Citizenship Verification**

HCV applicants must disclose and document and PHAs must verify the social security numbers (SSN) of each applicant. Applicant documentation may include a valid SSN card issued by the Social Security Administration; an original document issued by a federal or state government agency which contains the individual's name, SSN and other identifying information; or other evidence of the SSN as prescribed by HUD. Generally, a PHA may not admit an applicant until the required documentation is provided to verify the SSN of each household member.

PHAs also must verify evidence of U.S. citizenship or eligible immigration status for noncitizens claiming eligibility for assistance. Each eligible household member must sign a declaration of their status and eligible noncitizens must also provide supporting documentation, which must be submitted by the time of the eligibility determination. Documentation verifying U.S. citizenship may also be requested. Since eligibility for assistance is limited to U.S. citizens and noncitizens who have eligible immigration status, families in which not all members are U.S. citizens or have eligible immigration status are only eligible to receive pro-rated housing assistance based on the percentage of family members who qualify for assistance.

Additionally, PHAs must verify each family member's date of birth to verify identity and determine age and disability status per 24 CFR § 5.403, if claimed. These family characteristics impact the income and tenant rent calculations.

This documentation may not be readily on hand and may be difficult to obtain for individuals and families experiencing homelessness. Accepting self-certifications and delaying the receipt of documentation and/or third-party verification will allow PHAs to assist EHV families more quickly and provide time for the family (with assistance from the CoC or other partnering agencies) to obtain the necessary documentation.

HUD is consequently waiving the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. PHAs may adopt policies to admit EHV applicants who are unable to

provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation. If a family member appeals secondary verification of immigration documents, PHAs are reminded that assistance may not be delayed, denied, reduced or terminated on the basis of immigration status pending the completion of the appeal as described in § 5.514(e).

Additionally, PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

PHAs are encouraged to incorporate additional procedures to remind families of the obligation to provide true and complete information. PHAs that conduct eligibility determinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies (i.e., erroneous SSNs) that may arise later and must take necessary enforcement actions accordingly. The adoption of this waiver does not authorize any ineligible family to receive assistance under these programs. If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

**j. Inapplicability of Income Targeting Requirements**

The PHA must determine income eligibility for EHV families in accordance with § 982.201. However, the income targeting requirements of section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2) are waived and do not apply for EHV families so that participating PHAs can effectively serve individuals and families in all the eligibility categories under the ARP who may be at a variety of income levels, including low-income families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted. In conformance with normal program rules, PHAs may not deny admission to a family with zero income and must consider hardship circumstances before charging a minimum rent in accordance with § 5.630(b).

**k. Use of recently conducted initial income determinations and verifications at admission**

Some families who were recently homeless but are now currently residing in rapid rehousing or are receiving other time-limited housing assistance may have had their income recently verified under that housing assistance program. Furthermore, families who are eligible for EHV assistance as victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking may be currently assisted through other subsidized housing programs such as public housing. PHAs may accept income

calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as the income was (1) calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months and (2) the family certifies there has been no change in income or family composition in the interim. At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR § 982.516.

For each new admission under this waiver and alternative requirement, the PHA must: review the EIV Income and IVT Reports to confirm/validate family-reported income within 90 days of the PIC-NG (see Section 15 of this notice) submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

**1. Pre-inspection of HQS units**

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units. If an EHV family selects a unit that passed a HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (form HUD-52517), the unit may be approved as long as it meets all other conditions under § 982.305. However, the family must be free to select their unit and cannot be required to accept a pre-screened unit.

**m. Initial Search Term**

While the EHV program provides the PHA with funding designed to help increase the success rate of EHV families in obtaining housing (such as security deposit assistance, landlord incentives, and housing search assistance), these families may still face significant challenges with their housing search. An initial search term of 60 days may be inadequate for EHV families. Consequently, HUD is waiving § 982.303(a), which provides that the initial search term must be at least 60 days and is establishing an alternative requirement that the initial term for an EHV must be at least 120 days. Any extensions, suspensions, and progress reports will remain under the policies in the PHA's administrative plan but will apply after the minimum 120-day initial search term.

As a reminder, a PHA must grant reasonable accommodation requests to extend the housing search term that may be necessary for individuals with disabilities to find a unit that meets their disability-related needs. For example, it may be challenging to find a unit that includes specific accessibility features, is close to accessible transportation, or close to supportive services or medical facilities.

**n. Initial lease term**

Under the HCV program, the family must enter into an initial lease with the owner for at least one year, unless a shorter term would improve housing opportunities for the tenant and the shorter term is a prevailing market practice. To provide a greater range of housing opportunities for EHV families, HUD is waiving Section 8(o)(7)(A) of the United States Housing Act of 1937 and § 982.309(a)(2)(ii). The initial lease term for an EHV family may be less than 12 months regardless of whether the shorter term is a prevailing market practice.

**o. Portability**

The normal HCV portability procedures and requirements generally apply to EHV families with the following exceptions.

*i. No prohibition on portability for non-resident applicants*

Under the HCV program, if neither the household head nor spouse of an assisted family already had a “domicile” (legal residence) in the jurisdiction of the PHA at the time the family first submitted an application for participation in the program, the family does not have any right to portability during the 12-month period from when the family is admitted to the program. Such a family is a “non-resident applicant.” The initial PHA may choose to allow portability during this period but is not required to do so.

In order to provide maximum housing choice for the targeted populations, HUD is removing this restriction for EHV nonresident applicants to allow all EHV families to immediately move under portability. Accordingly, HUD is waiving section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and § 982.353(c). The PHA may not restrict an EHV family from exercising portability because they are a non-resident applicant.

*ii. Portability billing and absorption*

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA does or does not currently administer EHV programs under its own ACC.

If the EHV family moves under portability to another PHA that administers EHV programs under its own ACC:

- The receiving PHA may only absorb the incoming EHV family with an EHV voucher (assuming it has an EHV voucher available to do). If the PHA does not have an EHV voucher available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family’s EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA’s EHV policies, although neighboring

PHAs and PHAs in the same metro area or region are strongly encouraged to work collaboratively with one another to align EHV policies and help facilitate EHV portability moves between their jurisdictions.

If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

*iii. Family briefing/initial PHA and receiving PHA coordination on services*

In addition to the applicable family briefing requirements at § 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP). If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family. The primary purpose of this communication is to ensure there is no duplication of EHV services and assistance provided to the family and that the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family. (Further information on this subject is provided in subsection iv below.)

*iv. EHV portability – HAP and EHV administrative fees*

A. HAP and ongoing fees

The requirements at 982.355(e) apply to portability billing arrangements on behalf of an EHV family:

- The initial PHA must promptly reimburse the receiving PHA for the full amount of the housing assistance payments made by the receiving PHA for the family.
- The initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA's EHV ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee (or the receiving PHA's EHV ongoing administrative fee if the receiving PHA administers the EHV program). If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

B. Services Fee Funding:

If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving

PHA may be compensated for those costs by the initial PHA. This is the case regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up.

If the receiving PHA administers EHV's under its CACC, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance. If the receiving PHA does not administer EHV's under its CACC, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving the PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

The amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1750, unless the initial PHA and receiving PHA mutually agree to change the \$1750 cap.

C. Placement fee/issuance reporting fee:

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee, as applicable.

Note that the entire preliminary fee is always paid to and retained by the initial PHA and is not impacted by an EHV portability move.

**p. Payment standard amounts**

The HCV regulations at 24 CFR § 982.503(a)(3) provide that the PHA voucher payment standard schedule shall establish a single payment standard amount for each unit size, and that for each unit size, the PHA may establish a single payment standard amount for the whole Fair Market Rent (FMR) area, or may establish a separate payment standard amount for each designated part of the FMR area.

Many rental markets with a high need for the EHV's are very competitive with a shortage of affordable rental units. EHV recipients who are homeless or at risk of homelessness may have relatively lower incomes than regular HCV recipients, limiting their ability to rent units with rents above the payment standard. In addition, landlords may be more reluctant to rent to homeless individuals who may have limited or poor credit history, a limited established rental history, or other issues.

Due to those factors and the emergency nature of these vouchers, HUD is waiving § 982.503(a)(3) and establishing an alternative requirement permitting PHAs to establish separate higher payment standards for the EHV families in order to increase the potential pool of available units for EHV families. The separate EHV payment standard must comply with all other HCV requirements under § 983.503 with the exception of the waivers of § 982.503(b)(i) and § 982.503(b)(iii) discussed below.

Establishing a separate EHV payment standard is at the discretion of the PHA and the PHA is not required to do so. PHAs are not permitted to establish a separate payment standard for the EHV families that is lower than the regular HCV payment standard. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard.

In addition, HUD is waiving § 982.503(b)(1)(i) and establishing an alternative requirement to allow the PHA to establish a payment standard amount for a unit size at any level between 90 percent and 120 percent (as opposed to 110 percent) of the published FMR for that unit size. HUD approval is not required to establish an EHV payment standard within that range.

Furthermore, HUD is waiving § 982.503(b)(1)(iii) and establishing an alternative requirement to provide that a PHA that is not in a designated Small Area FMR area or has not opted to voluntarily implement Small Area FMRs under 24 CFR 888.113(c)(3) may establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published Small Area FMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. As is the case for the regular HCV program, the PHA must notify HUD if it establishes an EHV exception payment standard based on the Small Area FMR. The exception payment standard must apply to the entire ZIP code area.

PHAs may also still request approval for exception EHV payment standards above 120% of the applicable FMR/SAFMR from HUD in accordance with § 982.503(b)(1)(iv) or § 982.503(c) if needed.

All rent reasonableness requirements at § 982.507 continue to apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard. As discussed in section 6 above, PHAs may provide EHV owner incentive payments to recruit and retain owners, but the rent charged for the unit must be a reasonable rent in comparison to rent for other comparable units.

**q. Increase in Payment Standard During HAP Contract Term**

The HCV regulations at 24 CFR § 982.505(c)(4) require that if the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family

beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.

HUD is waiving this requirement and as an alternative requirement providing a PHA with the discretion to establish a policy in the PHA administrative plan on when to apply the increased payment standard (e.g., interim reexamination, owner rent increase) after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

## **10. Moving-to-Work (MTW) Agencies**

MTW agencies that administer EHV's are bound by the terms and conditions of this notice. As discussed above in section 9, all HCV statutory and regulatory requirements and HUD directives are applicable to EHV's unless waived by this notice. However, MTW agencies may request approval from HUD's Office of Housing Voucher Programs to administer EHV's in accordance with the HCV programmatic flexibilities approved under PHA's Annual MTW Plan or MTW Supplement to the PHA Plan, as permitted by its MTW Agreement or the MTW Operations Notice. The Office of Housing Voucher Programs may approve the MTW PHA's request provided it determines the requested MTW flexibility is not in direct conflict with an EHV waiver or alternative requirement and its application would not have a detrimental impact on EHV families. MTW PHAs must submit such requests with supporting justification through their local Field Office.

EHV funding is not eligible for MTW fungibility but must only be used for EHV eligibility activities and to assist EHV eligible families. This applies to EHV HAP funding and to all forms of EHV administrative fees.

## **11. Nondiscrimination and Equal Opportunity Requirements**

PHAs are reminded in administering the EHV program to follow all applicable nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a) and 24 CFR 982.53, including but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act, HUD's Equal Access Rule, and Title II of the Americans with Disabilities Act of 1990. These requirements prohibit discrimination on the basis of race, color, religion, sex, familial status, national origin, disability, age, sexual orientation, gender identity, and marital status. PHAs should also comply with Title III of the Americans with Disabilities Act of 1990 (see 28 CFR 35.160 and 28 CFR 36.303).

When an EHV household is or includes a person with disabilities, reasonable accommodations may be necessary. A reasonable accommodation is a change, exception or adjustment to rules, policies, practices or services that may be necessary in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common areas, or to participate in or access programs and activities. This extends to various aspects of EHV program implementation including for



example, denial or termination of assistance, initial search term of the EHV, initial lease term, and informal reviews and hearings, as well as reasonable accommodations that may be necessary during one's tenancy. Under Section 504, reasonable accommodations may also include a structural change to a unit.

In addition, the PHA must also provide effective communication to persons with disabilities, including those with vision, hearing, and other communication related disabilities, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters, accessible website and other accessible electronic communications. See 24 CFR 8.6. The PHA must also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP). LEP guidance and LEP information is available here: <https://www.federalregister.gov/documents/2007/01/22/07-217/final-guidance-to-federal-financial-assistance-recipients-regarding-title-vi-prohibition-against>

## **12. Inapplicability of Project-based Voucher Assistance**

Section 3202(b)(1) of the ARP provides that the EHV's "shall be tenant-based assistance under section 8(o) of the United States Housing Act of 1937." In addition to the requirement that EHV's must be tenant-based voucher assistance, several provisions of section 3202 are not compatible with project-based voucher assistance. In particular, the requirement with respect to the termination of vouchers upon turnover discussed below in Section 13 is clearly compatible with tenant-based voucher assistance, but it is not compatible with multi-year PBV contracts where assistance is tied to the project. Furthermore, tenant-based assistance, when coupled with the funding for other eligible expenses designed to facilitate the leasing of the emergency vouchers (notably the security deposit assistance and other costs related to the retention and support of owners specifically included in the Act), offers the most expeditious approach to assisting families as quickly as possible with these emergency housing vouchers.

Consequently, PHAs may not project-base EHV's but must administer these vouchers exclusively as tenant-based assistance.

## **13. Termination of Vouchers upon Turnover after September 30, 2023**

The ARP provides that after September 30, 2023, a PHA may not reissue the EHV when assistance for an assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

For example, if an EHV participant leaves the program and their HAP contract terminates on August 31, 2023, that EHV must be reissued to another family no later than September 30, 2023. If the PHA does not reissue the EHV to another family by September 30, 2023, the EHV may not be reissued and effectively sunsets. Provided the EHV re-issuance date is no later than September 30, 2023, the term of the EHV may extend beyond September 30, 2023.

However, if the family that was issued the EHV is ultimately unsuccessful in finding a unit and that EHV expires after September 30, 2023, the EHV may not be reissued to another family. All EHV's under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV's that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV's to cease leasing any unleased EHV's if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families. (While HUD anticipates most EHV's under the initial allocation would be leased by September 30, 2023, PHAs may have subsequently received a new allocation of EHV's as part of the recapture/reallocation process described in section 14 below.)

HUD will remove any turnover EHV that cannot be reissued from the PHA's CACC as part of the next funding renewal process.

**14. HUD authority to revoke and reallocate vouchers for PHA failure to use vouchers promptly**

The ARP provides that if a PHA fails to lease its authorized EHV's within a reasonable period of time, HUD may revoke and redistribute any unleased vouchers and associated funds to other public housing agencies. This would include recapturing any funds previously obligated to the PHA that are associated with those revoked vouchers, as described further below.

HUD will be closely monitoring EHV leasing and will evaluate the PHA's leasing progress for purposes of EHV reallocation by assessing the PHA's EHV performance. This evaluation will occur no sooner than the one-year anniversary of the effective date of the PHA's EHV funding increment. A PHA that has a substandard EHV leasing performance may be subject to having some or all of its unissued vouchers revoked and reallocated. However, under no circumstances will PHAs that have leased at least 95 percent of their EHV's have any of their unissued vouchers recaptured and reallocated.

HUD will refresh the formula allocation data when determining the number of vouchers for which a PHA qualifies under the reallocation. PHAs that have reduced their leasing potential by increasing voucher utilization during the intervening months, for example, may benefit from that improved performance when the allocation formula is run again to reallocate the recaptured vouchers.

In a situation where EHV's are being revoked, the number of EHV's under that PHA's CACC will be reduced to reflect that some or all of the PHA's EHV's have been revoked. The "associated funds" subject to recapture along with the unleased vouchers are the following:

- HAP funding HUD obligated to the PHA that is attributable to the unleased voucher in

the initial funding allocation (and/or subsequent renewal allocations if applicable), unless the excess HAP funding has already been accounted for through HUD's renewal process.

- Ongoing administrative fees that were advanced to the PHA unless the advanced ongoing administrative fees have already been accounted for through HUD's reconciliation process.
- An amount equivalent to 50 percent of the services fee for each EHV that is being revoked, not to exceed the total amount of unexpended services fees available to the PHA.
- Preliminary fee. The preliminary fee is provided to the PHA for planning and other implementation efforts and it is not expected to be available for recapture and reallocation. However, any unused preliminary fee amounts remaining at the time of recapture and reallocation will be subject to recapture and reallocation.
- Placement/issuance reporting fee. The placement/issuance reporting fee is provided to the PHA to enable the PHA to fulfill lease-up responsibilities. It is not expected that any amounts from this fee will remain at the time of recapture and reallocation. However, any unused placement fee amounts remaining at the time of recapture and reallocation will be subject to recapture and reallocation.

HUD will issue a separate notice that details the process by which vouchers may be revoked and reallocated at least four months before the PHA's leasing performance will be evaluated. PHAs that experience difficulties in leasing EHV's should contact HUD for technical assistance (see section 17 below).

## **15. Use of funds, reporting, and financial records**

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP. See section 7 above for instructions if the PHA needs an adjustment to its initial HAP funding allocation or its HAP renewal funding to fully lease its EHV's or meet its EHV HAP costs.

The appropriated funds for EHV's are separate from the regular HCV program. Similar to the Mainstream program, these funds may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by this notice may only be used in support of the EHV's and cannot be used for regular HCV's. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD) or other monitoring review findings.

HUD will update the Voucher Management System (VMS) to collect aggregate data from participating PHAs on a monthly basis consistent with other programs under Section 8(o) of the United States Housing Act of 1937. This data will initially be used to track leasing and cost data and to reconcile funds advanced to participating PHAs against actual expenditures reported.

HUD plans to leverage PIC-NG, the new information technology platform developed for the MTW Demonstration program's expansion, to collect EHV tenant information as opposed to using the existing legacy IMS/PIC system. HUD expects to issue a streamlined Form 50058 in the near future that will allow HUD to pay monthly HAP and administrative fee disbursements based on that information. Once the new application and processes are implemented, HUD plans to reduce or eliminate VMS reporting requirements for the program. Additional information will be forthcoming on PIC-NG rollout and implementation requirements including expedited timelines for tenant characteristics reporting. PHAs do not report into IMS/PIC for EHV families.

In the meantime, in order to account for and track the use of the EHV funding, PHAs must comply with the following reporting and financing record requirements.

a. Voucher Management System reporting:

Because EHV's are funded from a separate appropriation than the regular HCV's, HUD will modify VMS to track the following data points for EHV's from participating PHAs:

- **Emergency Housing Vouchers— Leasing**
- **Emergency Housing Vouchers - HAP Expenses**
- **Emergency Housing Vouchers – Preliminary Fee Expenses**
- **Emergency Housing Vouchers—Placement/Issuance Reporting Fee Expenses**
- **Emergency Housing Vouchers—Ongoing Administrative Fee Expenses**
- **Emergency Housing Vouchers – Services Fee – Housing Search Assistance Expenses**
- **Emergency Housing Vouchers- Services Fee – Security/Utility Deposit/Rental Application/Holding Fee Expenses**
- **Emergency Housing Vouchers -Services Fee -Owner Incentive Expenses**
- **Emergency Housing Vouchers – Services Fee – Other Expenses**
- **Emergency Housing Vouchers - Number of New Vouchers Issued but Not Under HAP Contract as of the Last Day of the Month**
- **Emergency Housing Vouchers - HAP Expenses After the First of the Month**
- **Emergency Housing - FSS Escrow Deposits**
- **Emergency Housing Vouchers - FSS Escrow Forfeitures This Month**
- **Emergency Housing Vouchers - Fraud Recovery Total Collected This Month**
- **Emergency Housing Vouchers - Unrestricted Net Position Funds (UNP) as of the Last Day of the Month**
- **Emergency Housing Vouchers - Restricted Net Position Funds (RNP) as of the Last Day of the Month**
- **Emergency Housing Vouchers - Cash/Investment as of the Last Day of the Month**

The PHA must enter the data on a monthly basis into VMS. These reporting requirements also apply to MTW agencies.

b. Financial Data Schedule (FDS) Reporting for EHV Program:

HUD's Uniform Financial Reporting Standards (UFRS) Rule (24 CFR § 5.801) requires PHAs that administer the Section 8 programs to submit annual financial data to HUD. Specifically, UFRS requires that the financial data is: 1) prepared in accordance with Generally Accepted Accounting Principles (GAAP) as further defined by HUD in supplementary guidance; 2) submitted electronically to HUD through the internet; and 3) submitted in such form and substance as prescribed by HUD.

To meet the goals of the UFRS rule, PHAs are required to submit their financial information to HUD's Financial Assessment Sub-system for Public Housing (FASS-PH). PHAs are required to submit this financial information in a prescribed format, the Financial Data Schedule (FDS) (also referred to as Public Housing Financial Management template). Financial information collected in the FASS-PH system includes the reporting of the receipts, uses, and balances of all PHA funds regardless of the funding source (i.e., entity-wide reporting). This financial information is reported at the funding source level.

As a separate funding source, the ARP supplemental funding for the EHV's must be reported separately on the FDS. The default reporting level is at the Catalog of Federal Domestic Assistance (CFDA) level. However, when a CFDA number does not exist or is not applicable, HUD will provide a program number under which the PHA should report its financial information.

Due to the likely one-time appropriation of the supplemental funds provided under ARP, CFDA numbers for these EHV funds will not be issued. However, HUD must still meet its monitoring responsibilities and provide transparency in the PHAs' receipts and uses of EHV supplemental funding. Thus, HUD recommends that PHAs establish a separate general ledger for the program or at the very least provide subsidiary details under the existing HCV program sufficient to provide the necessary information in the FDS.

Rather than have PHAs report under the generic Federal Program columns that are already established in the FASS-PH system (e.g., Federal Program 1, Federal Program 2), the Real Estate Assessment Center (REAC) has established a new column on the FDS for reporting EHV supplemental funds. REAC will publish specific guidance on revenue recognition in a future notice.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent to the administration of the EHV's in accordance with the HCV program requirements at § 982.158.

## **16. Reconciliation and recapture of unexpended EHV funds at program end**

As noted above, the appropriated funds for EHV's are separate from the regular HCV program and may only be used for EHV purposes. If any of these funds are not expended on eligible EHV expenses before the end of the EHV program, the remaining unexpended EHV funds must be recaptured by HUD.

Currently, the EHV program end date for each individual PHA is unknown and additional guidance regarding program wrap-up and closeout will be issued in the future. However, outer boundaries are known. For example, when a PHA no longer has any EHV families under lease and is not permitted to reissue any of its remaining EHV's due to the statutory September 30, 2023 reissuance prohibition, the PHA's program will have effectively ended and all associated unexpended funds must be remitted to HUD. Likewise, the funds appropriated for the EHV program are available for obligation by HUD only until September 30, 2030 and will be cancelled as a matter of law on September 30, 2035.

HUD will conduct a final reconciliation of the PHA's EHV funding and expenses when each PHA's EHV program ends. Accounting and remittance guidance on HAP and administrative fee funding will be forthcoming under separate notice.

## **17. Technical Assistance**

The ARP makes resources available to HUD to provide technical assistance to the PHAs administering EHV assistance. Information regarding technical assistance for these EHV's will be made available to PHAs in the near future.

## **18. Further Information.**

Question concerning this notice should be submitted by email to the following HUD mailbox: [ehv@hud.gov](mailto:ehv@hud.gov).

**19. Paperwork Reduction Act.**

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C 35013520). In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The following active information collections contained in this notice have been approved under the PRA-OMB Control Numbers 2577-0169 and 2577-0083.

\_\_\_\_\_/s/\_\_\_\_\_  
Dominique Blom  
General Deputy Assistant Secretary  
for Public and Indian Housing

Attachment 1

COVID-19 waivers and alternative requirements the PHA may choose to apply to its EHV for a limited period of availability. Details on the individual waivers and alternative requirements are found in Notice PIH 2021-14.

**This chart summarizes the COVID-19 waivers/alternative requirements the PHA may choose to apply to its EHV and the periods of availability. PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates.**

| Waiver Code in Notice PIH 2021-14 (see for details)                 | Statutory and regulatory waivers   | Summary of alternative requirements  | Availability Period Ends  |
|---|--|--|---|
| PH and HCV-4<br>Family Income and Composition: Interim Examinations | <u>Statutory Authority</u><br>Section 3(a)(1)<br><br><u>Regulatory Authority</u><br>§§ 5.233(a)(2), 982.516(c)(2), 960.257(a), (b) and (d), 960.259(c)<br><br><u>Sub-regulatory Guidance</u><br>Notice PIH 2018-18 | <ul style="list-style-type: none"> <li>• Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations</li> </ul>   | 12/31/21  |
| PH and HCV-5<br>Enterprise Income Verification (EIV) Monitoring     | <u>Regulatory Authority</u><br>§ 5.233<br><br><u>Sub-regulatory Guidance</u><br>Notice PIH 2018-18   | <ul style="list-style-type: none"> <li>• Waives the mandatory EIV monitoring requirements</li> </ul>   | 12/31/21  |
| HQS-1<br>Initial Inspection Requirements                            | <u>Statutory Authority</u><br>Section 8(o)(8)(A)(i), Section 8(o)(8)(C)<br><br><u>Regulatory Authority</u><br>§§ 982.305(a), 982.305(b), 982.405   | <ul style="list-style-type: none"> <li>• Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies</li> <li>• Where self-certification was used, PHA must inspect as soon as reasonably possible but no later than 6/30/22.</li> </ul> | <ul style="list-style-type: none"> <li>• 12/31/21</li> <li>• 6/30/22</li> </ul> |



Attachment 1

COVID-19 waivers and alternative requirements the PHA may choose to apply to its EHV for a limited period of availability. Details on the individual waivers and alternative requirements are found in Notice PIH 2021-14.

| Waiver Code in Notice PIH 2021-14 (see for details)                                 | Statutory and regulatory waivers   | Summary of alternative requirements  | Availability Period Ends  |
|---|--|--|---|
|   |  | <ul style="list-style-type: none"> <li>HQS waiver does not include a waiver of 24 CFR 35.15, visual assessment for deteriorated paint</li> </ul>   |   |
| <p>HQS-3<br/>Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option</p> | <p><u>Statutory Authority</u><br/>Section 8(o)(8)(A)(ii)</p> <p><u>Sub-regulatory Guidance</u><br/>HOTMA HCV Federal Register Notice January 18, 2017</p>  | <ul style="list-style-type: none"> <li>Allows for extension of up to 30 days for owner repairs of non-life threatening conditions</li> </ul>   | <ul style="list-style-type: none"> <li>12/31/21</li> </ul>                  |
| <p>HQS-4<br/>HQS Initial Inspection Requirement: Alternative Inspection Option</p>  | <p><u>Statutory Authority</u><br/>Section 8(o)(8)(A)(iii)</p> <p><u>Sub-regulatory Guidance</u><br/>HOTMA HCV Federal Register Notice January 18, 2017</p> | <ul style="list-style-type: none"> <li>Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies</li> <li>Where self-certification was used, PHA must inspect the unit as soon as reasonably possible but no later than 6/30/22.</li> </ul> | <ul style="list-style-type: none"> <li>12/31/21</li> <li>6/30/22</li> </ul> |
| <p>HQS-6<br/>HQS Interim Inspections</p>  | <p><u>Statutory Authority</u><br/>Section 8(o)(8)(F)</p> <p><u>Regulatory Authority</u><br/>§§ 982.405(g), 983.103(e)</p>                                  | <ul style="list-style-type: none"> <li>Waives the requirement for the PHA to conduct interim inspection and requires alternative method</li> <li>Allows for repairs to be verified by alternative methods</li> </ul>   | <ul style="list-style-type: none"> <li>12/31/21</li> </ul>                  |
| <p>HQS-9<br/>HQS Quality Control Inspections</p>                                    | <p><u>Regulatory Authority</u><br/>§§ 982.405(b), 983.103(e)(3)</p>  | <ul style="list-style-type: none"> <li>Provides for a suspension of the requirement for QC sampling inspections</li> </ul>   | <ul style="list-style-type: none"> <li>12/31/21</li> </ul>                  |

Attachment 1

COVID-19 waivers and alternative requirements the PHA may choose to apply to its EHV for a limited period of availability. Details on the individual waivers and alternative requirements are found in Notice PIH 2021-14.

| <b>Waiver Code in Notice PIH 2021-14 (see for details)</b>               | <b>Statutory and regulatory waivers</b>                     | <b>Summary of alternative requirements</b>   | <b>Availability Period Ends</b>   |
|--|---|--|---|
| HQS-10<br>Housing Quality Standards:<br>Space and Security               | <u>Regulatory Authority</u><br>§ 982.401(d)                 | <ul style="list-style-type: none"> <li>• Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.</li> </ul>   | Remains in effect one year from beginning of lease term                         |
| HCV-1 Administrative Plan  | <u>Regulatory Authority</u><br>§ 982.54(a)                  | <ul style="list-style-type: none"> <li>• Establishes an alternative requirement that policies may be adopted without board approval until 9/30/21</li> <li>• Any provisions adopted informally must be adopted formally by 12/31/21</li> </ul> | <ul style="list-style-type: none"> <li>• 9/30/21</li> <li>• 12/31/21</li> </ul> |
| HCV-2<br>Information When Family is Selected: PHA Oral Briefing          | <u>Regulatory Authority</u><br>§§ 982.301(a)(1), 983.252(a) | <ul style="list-style-type: none"> <li>• Waives the requirement for an oral briefing</li> <li>• Provides for alternative methods to conduct required voucher briefing</li> </ul>   | <ul style="list-style-type: none"> <li>• 12/31/21</li> </ul>                    |
| HCV-3<br>Term of Voucher: Extensions of Term                             | <u>Regulatory Authority</u><br>§ 982.303(b)(1)              | <ul style="list-style-type: none"> <li>• Allows PHAs to provide voucher extensions regardless of current PHA policy</li> <li>• Note that the initial term of the EHV must be a minimum of 120 days (see section 9.m of this notice)</li> </ul> | <ul style="list-style-type: none"> <li>• 12/31/21</li> </ul>                    |
| HCV-4<br>PHA Approval of Assisted Tenancy: When HAP Contract is Executed | <u>Regulatory Authority</u><br>§ 982.305(c)                 | <ul style="list-style-type: none"> <li>• Provides for HAP payments for contracts not executed within 60 days</li> <li>• PHA must not pay HAP to owner until HAP contract is executed</li> </ul>  | 12/31/21  |

Attachment 1

COVID-19 waivers and alternative requirements the PHA may choose to apply to its EHV for a limited period of availability. Details on the individual waivers and alternative requirements are found in Notice PIH 2021-14.

| <b>Waiver Code in Notice PIH 2021-14 (see for details)</b> | <b>Statutory and regulatory waivers</b>  | <b>Summary of alternative requirements</b>   | <b>Availability Period Ends</b>                              |
|--|--|--|--|
| HCV-5<br>Absence from Unit                                 | <u>Regulatory Authority</u><br>§ 982.312 | <ul style="list-style-type: none"> <li>• Allows for PHA discretion on absences from units longer than 180 days</li> <li>• PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days</li> </ul> | 12/31/21   |
| HCV-6<br>Automatic Termination of HAP Contract             | <u>Regulatory Authority</u><br>§ 982.455 | <ul style="list-style-type: none"> <li>• Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.</li> </ul>   | <ul style="list-style-type: none"> <li>• 12/31/21</li> </ul> |

**Attachment 2**

**Sample MOU Template**

**Memorandum of Understanding**

***[\*\* This sample document demonstrates the Memorandum of Understanding requirements for the administration Emergency Housing Voucher. Unless otherwise noted, all elements are required. \*\*]***

This Memorandum of Understanding (MOU) has been created and entered into on ***[\*\* Insert execution date. \*\*]***.

*[PHA Name and Address]*

*[CoC Name and Address]*

I. Introduction and Goals (the following elements, listed in a. – c., are required elements of the MOU):

- a. PHA and CoC's commitment to administering the EHV's in accordance with all program requirements.
- b. PHA goals and standards of success in administering the program.
- c. Identification of staff position at the PHA and CoC who will serve as the lead EHV liaisons.

Lead HCV Liaison:

*[Name and title of PHA staff position]*

Responsibilities of the PHA EHV liaison ***[\*\*Optional\*\*]***.

*[Name and title of CoC staff position]*

Responsibilities of the CoC EHV liaison ***[\*\*Optional\*\*]***.

II. Define the populations eligible for EHV assistance to be referred by CoC.

### III. Services to be provided to eligible EHV families

1. List the services to be provided to assist individuals and families have success in the program and who will provide them.

[\*\*The following services are listed for example purposes. \*\*]

1. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.
2. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.
3. PHAs will establish windows of time for EHV applicants to complete intake interviews for EHV.
4. Partnering service providers will provide housing search assistance for eligible individuals and families.
5. Partnering service providers will provide counseling on compliance with rental lease requirements.
6. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
7. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

### IV. PHA Roles and Responsibilities

[\*\*The following responsibilities are listed for example purposes. \*\*]

1. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee.
2. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.
3. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.
4. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.
5. Designate a staff to serve as the lead EHV liaison.

6. Comply with the provisions of this MOU.

#### V. CoC Roles and Responsibilities

[\*\*The following responsibilities are listed for example purposes. \*\*]

1. Designate and maintain a lead EHV liaison to communicate with the PHA.
2. Refer eligible individuals and families to PHA using the community's coordinated entry system.
3. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e. self-certifications, birth certificate, social security card, etc.).
4. Attend EHV participant briefings when needed.
5. Assess all households referred for EHV for mainstream benefits and supportive services available to support eligible individuals and families through their transition.
6. Identify and provide supportive services to EHV families. (While EHV participants are not required to participate in services, the CoC should assure that services are available and accessible.)
7. Comply with the provisions of this MOU.

#### VI. Third Party Entity Roles Responsibilities

[\*\*The following responsibilities are listed for example purposes. \*\*]

1. Describe how the State, local, philanthropic, faith-based organizations, Victim Service Providers or CoC recipients it designates will fulfill each of the following responsibilities:
  - a. Outline resource and/or service being provided in support of the community's EHV Program. Commit a sufficient number of staff and necessary resources to ensure that the application, certification and voucher issuance processes are completed in a timely manner.
  - b. Comply with the provisions of this MOU.

#### VII. Program Evaluation

The PHA, and CoC or designated CoC recipient agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random

assignment procedures.

[Signed and dated by the official representatives of the PHA, CoC, CoC Contractor organization (if applicable), and third-party entities (if applicable.)]

Signed by

|                         |       |
|-------------------------|-------|
| _____                   | _____ |
| Executive Director, PHA | Date  |

|                        |       |
|------------------------|-------|
| _____                  | _____ |
| CoC Executive Director | Date  |

## Emergency Housing Voucher (EHV)

### HOMELESS CERTIFICATION

EHV Applicant Name: \_\_\_\_\_

- Household without dependent children (complete one form for each adult in the household)
- Household with dependent children (complete one form for household)

Number of persons in the household: \_\_\_\_\_

**This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation-**

**Check only one box and complete only that section**

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**Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)**

The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Homeless Street Outreach Program

Name: \_\_\_\_\_

*This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.*

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**Living Situation: Emergency Shelter**

The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name:

\_\_\_\_\_

*This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).*

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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**Living Situation: Recently Homeless**

The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)

Authorized Agency Representative Signature:

\_\_\_\_\_

*This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.*

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

emergency shelter OR  a place unfit for human habitation

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Emergency Housing Voucher (EHV)**

**SAMPLE HUMAN TRAFFICKING CERTIFICATION**

**Purpose of Form:**

The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives.

**Use of This Optional Form:**

In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for EHV assistance.

**Confidentiality:** All information provided to the service provider concerning the incident(s) of human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

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**TO BE COMPLETED ON BEHALF OF HUMAN TRAFFICKING SURVIVOR**

EHV Applicant Name: \_\_\_\_\_

**This is to certify that the above named individual or household meets the definition for persons who are fleeing or attempting to flee human trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000.**

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

\_\_\_\_\_  
\_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual(s) named above is/has been a victim of human trafficking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

**Authorized Agency Representative Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_