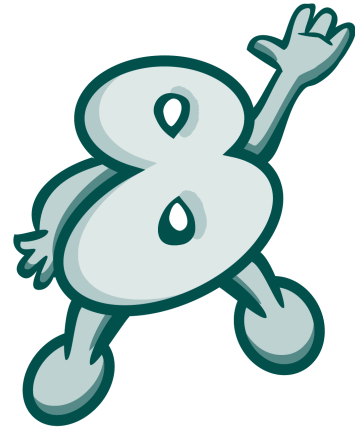


Section 8 Made Simple

Using The Housing Choice
Voucher Program To Assist
People With Disabilities

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Section 8 Made Simple is the latest in a series of housing publications from TAC's Housing Center for People with Disabilities. The Housing Center is a program of technical assistance, training, and knowledge dissemination on affordable housing issues that are critically important to people with disabilities, their families, housing

advocates, and service providers.

The goals of the Housing Center are to create and strengthen the capacity of the disability community to influence state and local affordable housing policies and practices, as well as to increase access by people with disabilities to subsidized and affordable rental and homeownership resources. For a complete list of TAC's Housing Center Publications, see Appendix D.

TAC is a national organization that works to achieve positive outcomes on behalf of people with disabilities or other special needs by providing state of the art information, capacity building, and technical expertise to organizations and policymakers in the areas of mental health, substance abuse, human services, and affordable housing. For further information contact:

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Introduction

How to Use This Guidebook

The Section 8 Housing Choice Voucher program administered through the U.S. Department of Housing and Urban Development (HUD) is one of the most important federal housing programs available to assist people with disabilities. With Section 8 housing assistance, people with disabilities can become more independent and have the opportunity for full community integration.

Section 8 is also one of the most complicated and confusing programs. *Section 8 Made Simple* is intended to be a valuable tool to assist all stakeholders in the disability community — including self-advocates, case managers, family members, advocates, and direct service providers. This guidebook contains practical information to assist people with disabilities and the entire disability community to navigate through the Section 8 program more successfully.

Section 8 Made Simple is not a manual for Public Housing Agencies to learn how to administer the Section 8 program. Rather, it is a guide to help understand how the Section 8 program can be used to meet the specific housing needs of people with disabilities.

With this information, people with disabilities, their families, advocates, and service providers will be more prepared to effectively engage Public Housing Agency staff and help people with disabilities successfully participate in the Section 8 program.

This guidebook is intended to be comprehensive. As a result, the amount of information may seem overwhelming. However, in order to be effective in accessing and utilizing Section 8 housing assistance, it is important to understand the rules and regulations that shape the program and to know who establishes these policies. This information can be used to influence Section 8 policies and housing decisions made at the local, state, and federal levels so that people with disabilities will have more access to Section 8 assistance.

When reading this guidebook, it is important to know that when this housing assistance program was established it was referred to as the "Section 8" program. In many communities, it is still referred to by this name. However, a federal housing law passed in 1998 renamed the program the Housing Choice Voucher Program (HCVP). Because it is more familiar, this guidebook will use the term "Section 8 program" to refer to the new Housing Choice Voucher Program.

Organization of the Guidebook

The chapters in this guidebook are organized sequentially to mirror the activities that a person would go through in the Section 8 program — from applying for a voucher, to finding eligible housing, to becoming a successful Section 8 participant.

- **Chapter 1** provides an overview of the Section 8 program including its origin, evolution, and the four basic components of the program.
- **Chapter 2** describes how the Section 8 program is administered; the distinction between federal rules and local Section 8 policies; which agencies administer the program; and what documents are useful to learn more about the program.
- **Chapter 3** explains the Section 8 application and waiting list process, including how to submit an application and how the Section 8 waiting list is organized.
- **Chapter 4** describes how a household is screened and determined eligible for the Section 8 program.
- **Chapter 5** details how the household's Section 8 rent subsidy amount and share of rent are determined, and other factors that affect the household's Section 8 assistance.
- **Chapter 6** provides an overview of the housing search process including a description of how the disability community can assist Section 8 households to locate safe, decent, and affordable housing in the community.

- **Chapter 7** describes those activities and responsibilities that are required in order for a Section 8 household to retain their voucher.
- **Chapter 8** provides an overview of the federal fair housing laws that obligate Public Housing Agencies to make changes in their policies and procedures to accommodate the needs of people with disabilities. This chapter includes a listing of these types of accommodations in the Section 8 program that are discussed throughout the guidebook.
- **Chapter 9** describes the project-based rental assistance component of the Section 8 program.
- **Chapter 10** provides an overview of how Section 8 assistance can be used to provide homeownership assistance, including a description of the new Pilot Program for Homeownership Assistance for Disabled Families.

To assist the reader, at the end of each chapter there is a summary of key points.

Definitions

The Section 8 program is funded by the federal government and administered through HUD. As with other federal programs, Section 8 uses many technical and programmatic terms that may be confusing or unfamiliar to the reader. To assist the reader, the authors have included a glossary of some of the more technical Section 8 related terms in Appendix A.

This guidebook also uses several terms that may be familiar to the reader, but also have specific meanings within the context of the Section 8

program. In order to facilitate the reader's use of this guidebook, these terms are defined below.

Person with a Disability

For the purposes of both this guidebook and the Section 8 program, a person with a disability is defined as an individual who:

1. Has a disability as defined in Section 223 of the Social Security Act;

OR

2. Is determined to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; and
 - Substantially impedes his or her ability to live independently; and
 - Is of such a nature that such ability could be improved by more suitable housing conditions;

OR

3. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Disabled Family or Disabled Household

In the Section 8 program, a disabled family or disabled household is defined as a household whose **head, co-head, spouse, or sole member** is a person with a disability.

This definition may include:

- A single adult with a disability living alone;
- A group of persons consisting of two or more unrelated disabled adults living together;
- One or more unrelated disabled adults living with one or more live-in aides;

- A related family in which the head of household or spouse is a disabled adult; or
- Two or more related adults with disabilities living together.

It is important to note that for the Section 8 program, a disabled family does **not** include those households in which a minor child is the only family member with a disability. To qualify as a disabled family, a person with a disability must be an adult member of the household who is considered the head of household, co-head, or spouse.

Applicant, Voucher Holder, and Household

There are different terms used in this guidebook to refer to an individual, a group of individuals, or a family as it moves through the Section 8 process:

- **Section 8 Applicant:** A household that submits a Section 8 application, including those households that are on a waiting list for Section 8 assistance.
- **Section 8 Voucher Holder:** A household that has been determined eligible for the Section 8 program, given a Section 8 voucher, and is currently searching for a housing unit in the community.
- **Section 8 Household:** An individual, group of individuals, or family who is currently receiving Section 8 assistance.

Disability Community

This term is used throughout this guidebook to refer to people with disabilities, their advocates, families, and service providers. Most HUD programs — including the Section 8 program — are intended to serve **all** people with disabilities, and may not be restricted to one disability group —



such as people with mental illness.¹

The authors recommend that whenever possible, agencies serving one disability group should join with other disability groups when advocating for changes in and increased access to the Section 8 program by all people with disabilities.

Public Housing Agency (PHA)

A Public Housing Agency administers the Section 8 program at the state or local level on behalf of HUD. Some of these agencies are public housing authorities. For purposes of this guidebook, and in accordance with HUD rules, **the term "PHA" refers to all public housing agencies, not just housing authorities.** All the Section 8 administering agencies are discussed in detail in Chapter 2.

Section 8 Rules

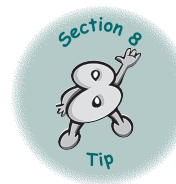
Since 1975, Congress has passed laws that govern the Section 8 program. These laws, combined with regulations developed by HUD, establish the federal parameters within which the Section 8 program must be administered at the state and local levels. For the purpose of this guidebook, these federal Section 8 requirements will be referred to as "rules."

Local Section 8 Policies

There are also discretionary Section 8 policies determined by state and local PHAs that receive funding from HUD to administer the Section 8 program. For the purposes of this guidebook, these locally established Section 8 guidelines will be referred to as "policies," and should be interpreted to mean that the PHA has some flexibility in setting these policies.

Helpful Icons

Throughout *Section 8 Made Simple*, there are various icons used to highlight key points or essential information. These symbols include:



Section 8 Tip: A helpful hint for people with disabilities, their service providers, advocates, and family members who are trying to work with

Public Housing Agencies to get Section 8 housing assistance.

Reasonable Accommodation:

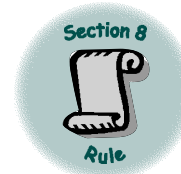
Examples of ways Section 8 policies or procedures can be modified to ensure equal access to the program by people with disabilities, in accordance with the federal fair housing laws.



Complicated Stuff: An aspect of the Section 8 program that can be particularly confusing.

Section 8 Rule:

A Section 8 rule established by Congress or HUD.



PHA Policy: A Section 8 policy established locally by a Public Housing Agency.

Important Point: An important point about the Section 8 program that should not be overlooked.



Code of Federal Regulations — the “Final Word”

The “final word” on the Section 8 program rules is found in Part 24 of the U.S. Code of Federal Regulations (CFR). Updates to these rules are also published from time to time in the Federal Register. *Section 8 Made Simple* has attempted to simplify these rules. However, it is important to know how to access the federal documents when more information is needed.

To obtain free copies of the CFR, visit HUD's website (www.hud.gov) or call HUD's Community Connections at 1-800-998-9999 or the local HUD field office. The Federal Register is available online at www.access.gpo.gov/su_docs/aces/aces140.html, or may be available at the local library.

Updates to *Section 8 Made Simple*

The rules for the Section 8 program have been evolving since the program started. Periodically there are new laws passed by Congress or new rules published by HUD that change the way the Section 8 program operates. The authors of *Section 8 Made Simple* recognize that as a result of these frequent changes to the Section 8 program, some of the information in this guidebook will not always be up-to-date and valid. To address this problem, subject to funding availability, the authors will periodically post updates to the Section 8 program online at www.tacinc.org.

¹ The Section 811 Program of Supportive Housing for Persons with Disabilities and some McKinney/Vento Homeless Assistance programs are exceptions to this rule.

Chapter 1

Overview Of The Section 8 Program

The Section 8 Program

The federal Section 8 program began in 1975 as a way to assist low-income families, elderly people, and people with disabilities to rent decent, safe, and affordable housing in the community. Through this program, individuals and families receive a “voucher” — also referred to as a “subsidy” — that can be used in housing of their choice that meets the Section 8 program requirements. These subsidies are long-term and considered permanent housing.

The Section 8 program is one of the most successful federal housing programs. It is also one of the best ways to help people with disabilities afford and maintain rental housing of their choice. Currently, across the nation, over 1.5 million households receive housing assistance through the Section 8 program — including many households with family members with a disability.

In 1975, when this housing assistance program was established, it was referred to as the “Section 8” program. In many communities, it is still referred to by this name. However, a federal housing law passed in 1998 gave the program a new name — the Housing Choice Voucher Program (HCVP). Because it is more familiar, this guidebook will use the term “Section 8 program” to refer to the new HCVP.

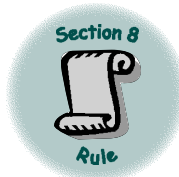
How the Section 8 Program Works

The Section 8 program recognizes that very low-income people do not have enough money to afford decent, safe, and good quality housing. The program addresses this problem by providing a Section 8 subsidy to assist the household with monthly housing costs. This subsidy — which is based on the cost of moderately priced rental housing in the community — is provided by a Public Housing Agency (PHA) under a contract with the U.S. Department of Housing and Urban Development (HUD).

The Section 8 household pays a portion of monthly housing costs that is based on the income of the household. The household's portion is usually — but not always — equal to 30 percent of its monthly adjusted income.

Income Targeting

Households with incomes at or below 50 percent of area median income are eligible for the Section 8 program. However, according to federal law at least 75 percent of Section 8 vouchers must go to households with incomes below 30 percent of the area median income. This rule is referred to as “income targeting.” In



limited circumstances, HUD may permit a PHA to use slightly different income targeting standards for its Section 8 program. However, to do this PHAs must obtain a waiver from HUD. HUD rules state that income targeting waivers can be approved only if the PHA demonstrates that, through outreach and marketing efforts, they are unable to attract enough applications from households below 30 percent of median income to fulfill the income targeting requirement.

Most people with disabilities receiving Supplemental Security Income (SSI) have incomes well below 30 percent of median income. Therefore, the disability community should object to any PHA policy that seeks to target more households above 30 percent of median income.

Currently, there are over 3 million non-elderly adults with disabilities nationwide receiving SSI — an average of 60,000 per state.¹ Most of these individuals with disabilities do not currently receive Section 8 housing assistance. If the PHA does not have many people with disabilities on its Section 8 waiting list, then more outreach to the disability community is needed. It is important that the disability community make PHAs aware that SSI beneficiaries will meet this income targeting requirement.

Program Components

There are currently four types of housing assistance provided by the Section 8 program:

1. Tenant-based rental assistance
2. Project-based rental assistance
3. Homeownership assistance
4. Down payment assistance

This guidebook focuses primarily on the tenant-based rental assistance component of the Section 8 program since it is by far the most commonly used type of assistance for people with disabilities with the lowest incomes. Project-based assistance and homeownership assistance are described in detail in Chapters 9 and 10, respectively.

1. Tenant-Based Rental Assistance

Tenant-based rental assistance is the most prevalent and well-known type of Section 8 assistance. When people mention the Section 8 program or a “voucher,” they are usually referring to the tenant-based rental assistance component of the program.

Tenant-based rental assistance allows people with disabilities to choose their own housing unit from a community’s private rental housing market. Section 8 tenant-based rental assistance helps people with disabilities to select rental housing that meets their individual preferences and needs, and that is fully integrated into the community.

Tenant-based rental assistance is the most prevalent and well-known type of Section 8 assistance. When people mention the Section 8 program or a “voucher,” they are usually referring to the tenant-based rental assistance component of the program.



Specifically, through the tenant-based rental assistance component, an eligible household (i.e., individual, group of individuals, or family) receives a Section 8 rental voucher to use in a housing unit of their choice in the community. If the household moves to another unit, the voucher can be used in the new unit.

In the past, there were actually two separate components of the Section 8 tenant-based program: certificates and vouchers. A federal housing law passed in 1998 merged these two programs into one tenant-based voucher program. The majority of the information contained in this guidebook pertains to the current Section 8 tenant-based rental assistance program.

2. Project-Based Rental Assistance

Project-based rental assistance is also offered through the Section 8 program. This type of assistance involves those subsidies that are committed to a specific unit in a building through a contract between the owner and the PHA. The term of the commitment may be from one to ten years.

Households are referred to these units from the Section 8 waiting list, and may either accept the unit or choose to receive a Section 8 tenant-based voucher instead. Households residing in Section 8 project-based units receive the same amount of rental assistance as households in the tenant-based component.

New rules in the project-based program give households that have resided in project-based units for at least one year the right to move and continue to receive Section 8 assistance by requesting a tenant-based voucher or comparable resource. The project-based unit is then leased to another Section 8 eligible household from the waiting list.

Project-based rental assistance is a valuable tool for expanding housing options for people with disabilities. Through this assistance, long-term subsidy commitments with housing owners can lead to an overall increase in the supply of affordable housing units in a community. Chapter 9 includes a discussion of the Section 8 project-based rental assistance program.

3. Homeownership Assistance

New HUD regulations enacted in 2000 and 2001 now permit Section 8 assistance to be used to help purchase a home. Through this component, Section 8 households can use their housing assistance payments toward homeownership expenses. Section 8 homeownership assistance is discussed further in Chapter 10.

4. Down Payment Assistance

HUD recently published a proposed rule to also allow Section 8 assistance to be used toward the down payment on a home. Although Congress authorized the down payment assistance program for fiscal year 2002, there was no funding appropriated in HUD's budget. Because the program has not been implemented to date, it is not discussed in this guidebook. For further information about the Section 8 Down Payment Assistance program, refer to the June 13, 2001 issue of the Federal Register.²

Section 8 — Affordability, Quality, and Choice

There are many reasons why the Section 8 program is an invaluable resource for meeting the housing needs of very low- and low-income people, particularly people with disabilities who have limited incomes. First, it is now the largest federal housing program targeted to extremely low-income households. In fiscal year 2002, Congress appropriated over \$16 billion in continued funding for the Section 8 program — equal to half the entire HUD budget. Currently, Section 8 assistance is offered in every state in the country and in almost every community.

Other aspects that make the Section 8 program an invaluable resource are:

- **Affordability:** the Section 8 program ensures that housing is affordable;
- **Quality:** the Section 8 program supports good quality housing; and
- **Choice:** the Section 8 program promotes housing choice and community integration.

Affordability

The Section 8 program provides **affordable** housing. Most Section 8 households pay about 30 percent of their monthly income toward housing costs.

People with disabilities frequently have low incomes and may be on fixed incomes for indefinite periods of time. Lack of adequate income makes finding and keeping housing very difficult. A recent study by TAC documented the housing crisis that people with disabilities are facing as a result of their severe lack of income. This report titled *Priced Out in 2000: The Crisis Continues*³ documented that without housing assistance, such as a Section 8 rent

subsidy, people with disabilities are unable to afford rental housing in any housing market area in the country. As a result, people with disabilities often:

- Pay too much income for rent (50% or more);
- Live in substandard or overcrowded housing; or
- Are unable to access permanent housing at all (e.g., they become homeless or cannot move from restrictive settings such as institutions and nursing homes).

Quality

The Section 8 program provides **good quality** housing. Like everyone else, people with disabilities want to live in housing that is decent and safe. Decent and safe housing:

- Conforms to community standards;
- Meets housing codes; and
- Ideally should be accessible to community services, shopping, social opportunities, and recreational activities.

All housing that is subsidized through the Section 8 program must meet federal housing quality standards thereby ensuring that the housing is decent and safe.

Choice

Through Section 8 tenant-based rental assistance, people with disabilities are given a **choice** about where they live and can keep their assistance if they move. Some of the advantages of tenant-based vouchers for people with disabilities include:

- The ability to choose both the location and type of housing preferred;
- The ability to move from one unit to another or from one locality to another without losing the housing assistance;
- Increased privacy because neighbors are not aware that the household



IMPORTANT INFORMATION FOR USING THIS GUIDEBOOK

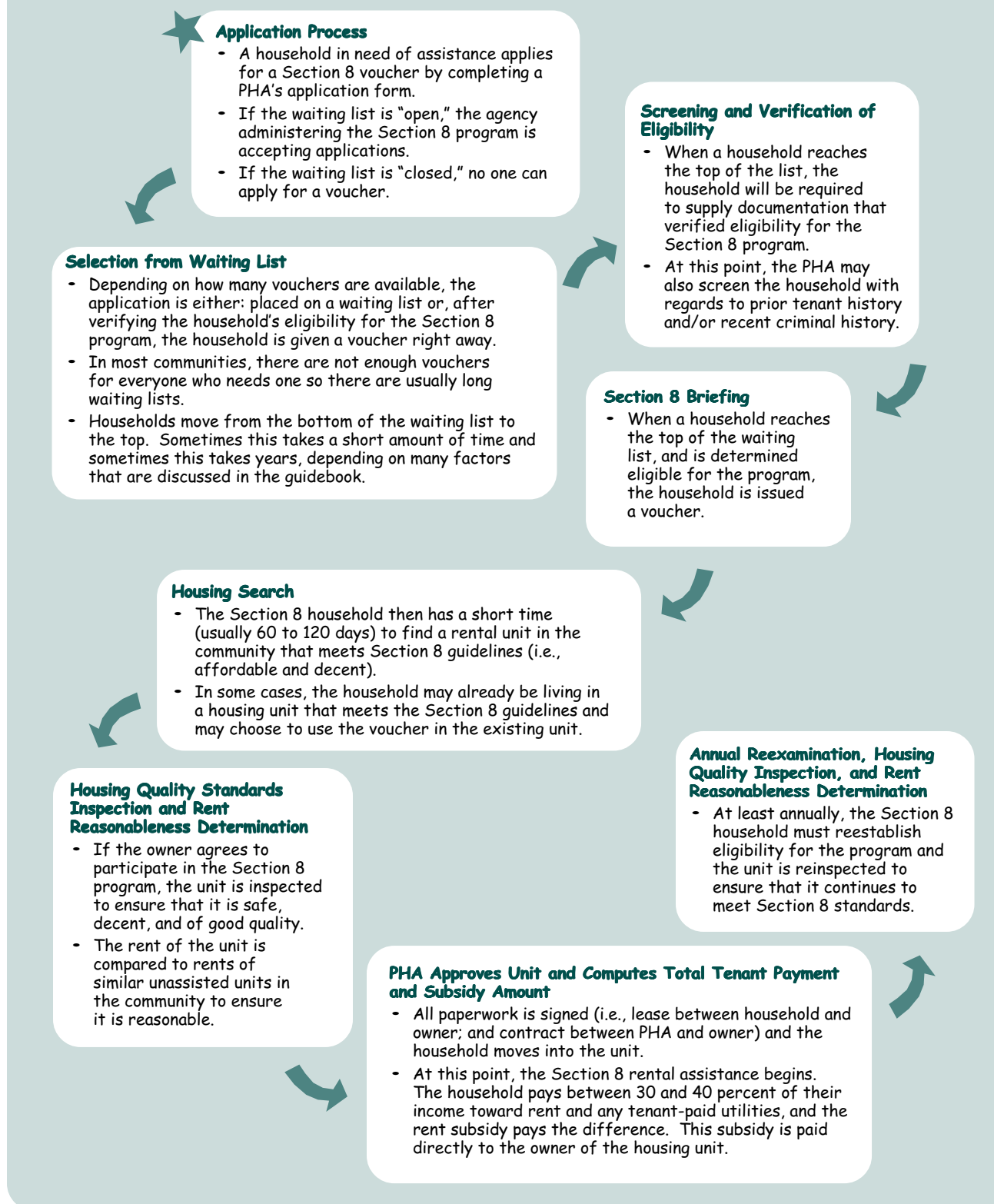
There are four components of the Section 8 program. However, this guidebook focuses primarily on the tenant-based rental assistance component of the program.

Unless otherwise specified, the information in the guidebook pertains to the tenant-based component. Although not the focus of the guidebook, in practice, much of this information is also applicable to the project-based rental assistance component.

Project-based assistance is discussed in Chapter 9 and homeownership assistance in Chapter 10.

Continued on page 12

Figure 1-1 Key Activities in the Section 8 Program



- receives housing assistance; and
- The opportunity to live in a housing setting that is fully integrated within the community rather than one set aside exclusively for people with disabilities.

Importance of Fair Housing Laws and Reasonable Accommodation

Since the 1970s, there have been many federal and state laws passed in an effort to ensure that people with

disabilities can participate fully and equally in federal and state housing programs. When learning about all of the various activities that make up the Section 8 program, it is important to understand that as a result of fair hous-



ing laws, PHAs are obligated to make reasonable changes in policies and procedures to ensure equal participation in the program by people with disabilities. These changes in policies or procedures are referred to as "reasonable accommodation." Examples of reasonable accommodation policies are highlighted throughout the guidebook.

Chapter 1 Summary

- The Housing Choice Voucher Program — still commonly referred to as the Section 8 program — is a very important housing resource for people with disabilities.
- The Section 8 program provides affordable housing since households pay a limited percentage — usually 30 percent of their monthly income — toward housing costs.
- According to federal law, at least 75 percent of a PHA's Section 8 vouchers must go to households with incomes below 30 percent of the area median income. This is referred to as "income targeting." Most people with disabilities receiving SSI have incomes well below 30 percent of median income. Most SSI recipients do not currently receive Section 8 housing assistance.
- There are four components of the Section 8 program: tenant-based rental assistance, project-based rental assistance, homeownership assistance, and down payment assistance. Each of these components can be used to meet the housing needs of people with disabilities.
- Section 8 tenant-based rental assistance is the most common type of Section 8 assistance and is often referred to as a "voucher."
- There are many steps in the Section 8 process. Each step involves many technical, and often cumbersome, activities.
- As a result of fair housing laws, PHAs are obligated to make changes in their policies and procedures — known as reasonable accommodation — to ensure participation in the program by people with disabilities. Examples of reasonable accommodation are highlighted throughout this guidebook.

¹ For further information about federal Supplemental Security Income benefits, see www.ssa.gov or call 1-800-772-1213.

² Available online at www.access.gpo.gov/su_docs/aces/aces140.html

³ *Priced Out in 2000: The Crisis Continues* is available online at www.tacinc.org

Chapter 2

How The Section 8 Program Is Administered

This chapter provides an overview of how the Section 8 program is administered, including how federal and local Section 8 rules and policies are created. Specifically, this chapter covers the following topics:

- The difference between federal Section 8 rules and local Section 8 policies;
- Which agencies can administer the Section 8 program; and
- Important Section 8 documents — the Public Housing Agency Plan and the Section 8 Administrative Plan.

Why the Section 8 Program is so Hard to Understand

Each year Congress appropriates funding for HUD to administer the Section 8 program. Since 1975, Congress has also passed laws that govern the program. For example, federal laws determine the income eligibility for the Section 8 program. These laws, combined with regulations developed by HUD, establish the federal requirements for the Section 8 program that are followed at the state and local levels. For the purpose of this guidebook, these federal Section 8 requirements will be referred to as **rules**.

However, there are additional Section 8 policies that are determined

by state and local agencies — referred to as Public Housing Agencies or PHAs — that receive funding from HUD to administer the Section 8

program. For example, a PHA is allowed to determine the subsidy amount (within a HUD-determined range) provided by the Section 8

program. For the purpose of this guidebook, these locally established Section 8 guidelines will be referred to as **policies** — and should be interpreted to mean that the PHA has some flexibility in setting these policies.

Figure 2-1 below illustrates these different roles and responsibilities.

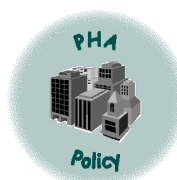


Figure 2-1: Relationships in the Section 8 Program

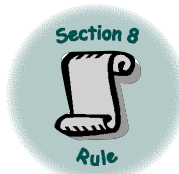
Congress appropriates Section 8 funding and makes Section 8 laws



HUD provides Section 8 funding to PHAs and makes Section 8 rules that PHAs must follow



PHAs administer the Section 8 program and can establish certain local Section 8 policies



This patchwork of federal rules and PHA policies is one of the most confusing aspects of the Section 8 program. Within this framework, it



is difficult to know which Section 8 procedures are actually HUD requirements and which are local PHA policies that could be changed. It helps to understand which agencies can administer the Section 8 program and how much flexibility they actually have in establishing Section 8 policies.

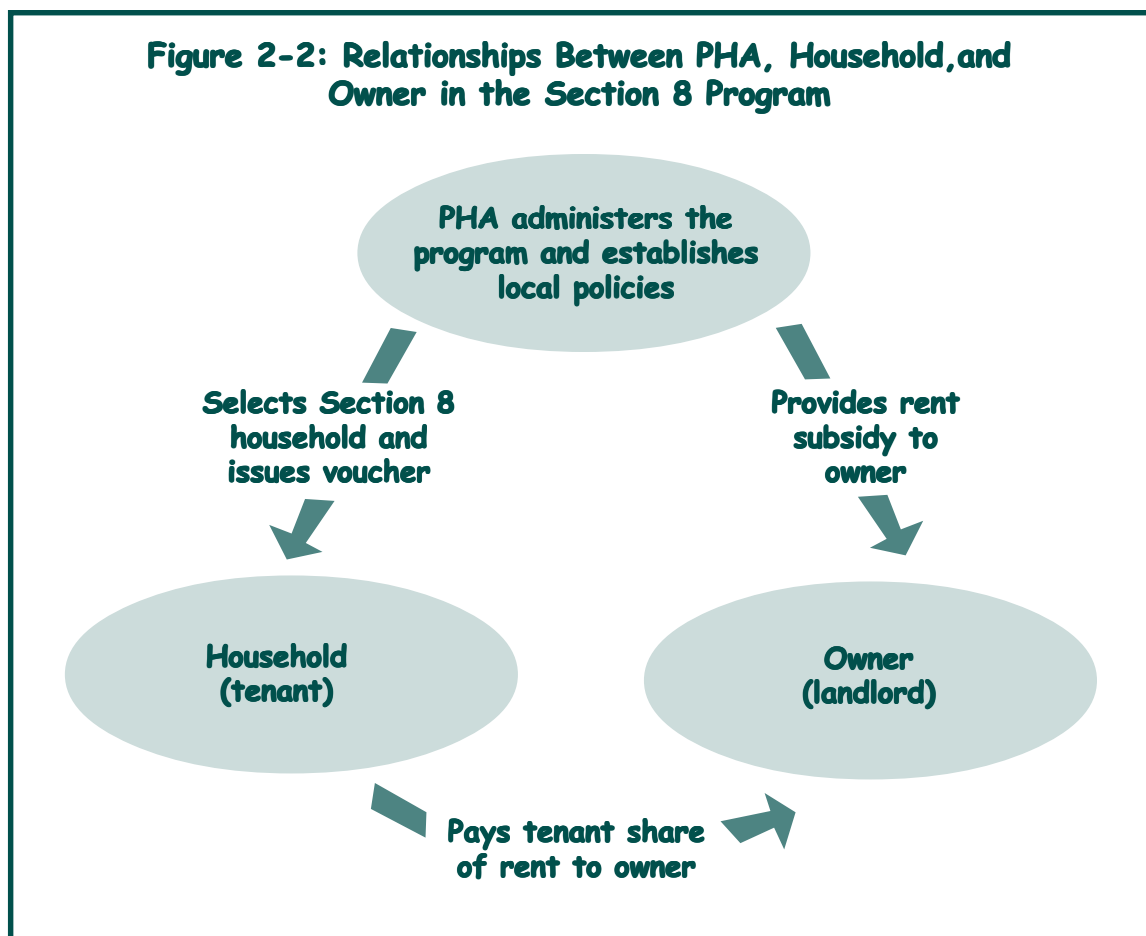
How the Section 8 Program Really Works: The Three Parties Involved

It is important to note that the PHA's administration of the Section 8 program involves not only the household receiving Section 8 housing assistance. At the local level, there are actually three parties involved:

1. The PHA;
2. The Section 8 household; and
3. The owner of private rental housing.

The relationship among these three parties is illustrated below in Figure 2-2.

Figure 2-2: Relationships Between PHA, Household, and Owner in the Section 8 Program



Different Types of PHAs That Administer the Section 8 Program

As mentioned earlier, all agencies that administer a Section 8 program are referred to as Public Housing Agencies, or PHAs, by HUD. On average, there are over 50 PHAs administering the Section 8 housing program per state, but the number varies greatly from state to state. For example, the State of Texas has over 200 PHAs while the State of Alaska has two. The sheer number of PHAs administering the Section 8 program makes it even more confusing and difficult for the disability community.

There are three types of PHAs that administer the Section 8 program:

1. Local public housing authorities
2. State housing agencies
3. Non-profit organizations

1. Local Public Housing Authorities

Usually, but not always, Section 8 administering agencies are public housing **authorities**. A public housing authority is a unique governmental body that administers either public housing or Section 8 vouchers — or both — for the federal government at the local level. Public housing authorities are created in each state based on state laws. Public housing authorities have an elected or appointed Board of Commissioners, an Executive Director, and staff who run specific programs.

Public housing authorities are not required to run the Section 8 program; in fact, some housing authorities only administer federal public housing units and do not administer a Section 8 program. Although there are more than 3,000 public housing

authorities across the country, at the present time there are approximately 2,600 housing authorities administering the Section 8 program. Over half of these housing authorities administer less than 250 Section 8 vouchers.

Look in the blue pages of the phone book or on the web (www.hud.gov/offices/pih/systems/pic/haprofiles/) for a list of public housing authorities.



Since public housing authorities are governmental bodies, they may be influenced by the political agendas or biases of elected or appointed officials. They can also be influenced by political pressure from the disability community. This is important to keep in mind when engaging a public housing authority in a dialogue about how to use housing resources to address the needs of people with disabilities.

Public housing authorities are the most common and well-known Section 8 administering agencies. When people use the term "PHA" they are usually referring to public housing **authorities**. To be consistent with HUD definitions, however, the term "PHAs" refers to "Public Housing **Agencies**" and includes any agency under contract with HUD to administer Section 8 housing assistance, including local public housing authorities, state housing agencies, and non-profit organizations that administer the Section 8 Mainstream program.

2. State Housing Agencies

Depending on state laws, many state housing agencies (including state departments of community affairs and some state housing finance agencies) are also eligible to administer the Section 8 program. In some states, the state housing agency may administer the Section 8 program only in the areas



of the state where there are no public housing authorities. This model is sometimes referred to as a “balance of state” Section 8 program. In other states, both a public housing authority and a state housing agency may be administering separate Section 8 programs in the same local communities.

Section 8



Massachusetts, Michigan, New Jersey, and Rhode Island are examples of states with statewide Section 8 programs.

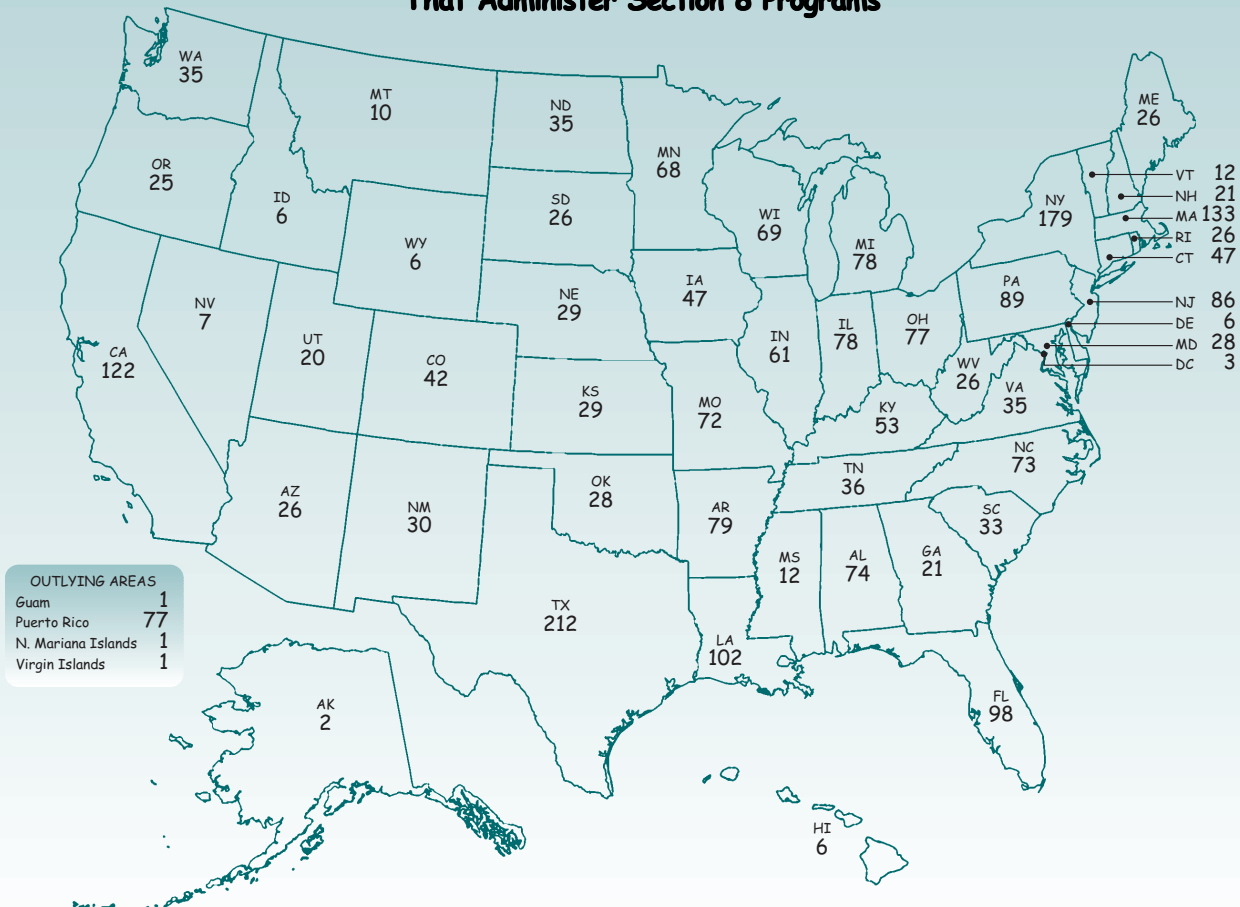
3. Non-Profit Organizations

In 1999, certain non-profit disability organizations became eligible to administer a small “set-aside” of

Section 8 vouchers for persons with disabilities available through the Mainstream Housing Opportunities for Persons with Disabilities program. To date, there are over 25 non-profit agencies administering the Mainstream program across the nation. These agencies are included in a list of PHAs with vouchers for people with disabilities in Appendix B. These non-profit organizations are required to run the Section 8 program in the same manner as other PHAs.

Non-profit organizations may also be administering the Section 8 program through a contract with a public housing authority or state housing agency. For example, the Massachusetts Department of Housing and Community Development administers a statewide

Figure 2-3: Number of Public Housing Agencies in Each State That Administer Section 8 Programs



Section 8 program through eight regional non-profit organizations. Although the state agency makes all decisions regarding Section 8 policies, the non-profit organizations are responsible for the day-to-day administration and management of the program, including selecting households, determining eligibility for the program, issuing Section 8 vouchers, inspecting housing units, and making rental payments to owners.

PHA Policies Vary

As mentioned earlier, PHAs that administer the Section 8 program are given the flexibility to establish Section 8 policies that reflect the specific housing needs of their communities. As a result, PHAs within the same metropolitan area may have Section 8 programs that operate completely differently from one another. This local flexibility is another reason why the Section 8 program is so confusing and difficult to navigate through.

Because PHAs have this flexibility, theoretically each PHA can design a separate and unique Section 8 program — possibly radically different from other Section 8 programs in the same state or community. For example, one PHA may accept applications for its Section 8 program all the time, while another may only accept applications two weeks each year. Given that there are approximately 2,600 PHAs across the nation administering individual Section 8 programs, it can be **extremely** difficult to determine the Section 8 program policies in each community.

Many PHAs have not yet used this flexibility to create policies that facilitate the use of Section 8 vouchers by people with disabilities. For example, according to *The Uses of*

Discretionary Authority in the Tenant-Based Section 8 Program published by HUD,¹ only 2 percent of PHAs are using “needs-based” preferences — such as a preference for people with disabilities or a preference for homeless people — in their Section 8 program. This guidebook highlights Section 8 policies that a PHA **could** use that would help people with disabilities obtain and keep a voucher.

Below are two examples of ways PHAs can use this flexibility, including:

- Section 8 waiting list preferences; and
- Section 8 set-asides.

Section 8 Waiting List Preferences

HUD allows each PHA to implement preferences for their Section 8 waiting list that reflect the housing needs of its particular community. These preferences allow households with certain characteristics or circumstances — such as local residents, people with disabilities, people who are homeless, etc. — to receive Section 8 assistance before others. PHAs are not required by HUD to use any preferences, but they may choose to do so (with HUD approval).

Section 8 Set-Asides

In the past decade, Congress has appropriated funds for new Section 8 vouchers targeted to specific populations, including veterans, families reunifying with their children, families moving from welfare assistance to employment, and people with disabilities. PHAs are not required to apply for these vouchers; rather, they have the option to apply. Over 440 PHAs across the nation now administer special set-aside voucher programs targeted



exclusively to people with disabilities. Appendix B contains a listing of these PHAs.

These vouchers are considered part of the Section 8 program and are utilized in the same manner. People with disabilities have access to these vouchers as well as vouchers in the PHA's regular Section 8 program. However, vouchers set aside for people with disabilities can **only** be used by people with disabilities. Since PHAs may administer different Section 8 set-aside programs — each with its own eligibility criteria — it is important to learn the different policies used for each.

The PHA Plan and the Section 8 Administrative Plan

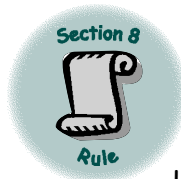
One way to find out how a PHA is administering the Section 8 program is to review their written documents. The most critical documents are the two plans required by HUD:

- Public Housing Agency Plan; and
- Section 8 Administrative Plan.

In the aggregate, these two plans document the PHA's long-range strategic plans for using the Section 8 program to meet the housing needs of the community, as well as their policies for the day-to-day administration of the Section 8 program.

Public Housing Agency Plan

The Public Housing Agency Plan, or PHA Plan, is the "master plan" for both a PHA's Section 8 and public housing resources. Each PHA is required to have a HUD-approved PHA Plan that describes the agency's overall mission for serving low-income and very low-income individuals and



families, and the strategies for using Section 8 and public housing resources to meet the housing needs of these households. For example, a PHA will be required to state in its PHA Plan if it will apply for any Section 8 vouchers targeted to people with disabilities.

A PHA Plan must include a needs assessment, including the needs of people with disabilities and the number of people with disabilities on the PHA's Section 8 waiting list.

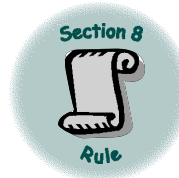


In consultation with a Resident Advisory Board, each PHA developed its first PHA Plan during 2000, including a statement on the housing needs of low- and very low-income people in the community and how the PHA will meet those needs. Copies of some PHA Plans are posted on HUD's website at www.hud.gov/offices/pih/pha.

Some PHA Plans are not very useful to the disability community. For example, some have incomplete needs assessments that do not include any data on the housing needs of people with disabilities. Or, a PHA Plan may document a significant need for housing assistance among people with disabilities, but may not describe any strategies to use PHA resources to meet that need. To address this problem, the disability community should work closely with PHAs to ensure that the PHA Plan — which can be amended if it is not accurate — is accurate and responsive to the housing needs of people with disabilities.

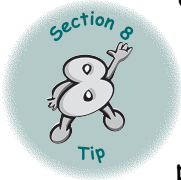
Section 8 Administrative Plan

Any PHA that receives Section 8 funds from HUD must develop and make available to the public upon request a HUD-approved Section 8 Administrative Plan that outlines its policies and procedures for managing the Section 8 program. At a



minimum, the Administrative Plan must describe how Section 8 households are assisted in locating suitable housing; how calculations are made and the amount of housing assistance payments determined; and what safeguards are used to prevent the misuse of funds.

The Section 8 Administrative Plan is the main resource for learning what discretionary policies a PHA has established. It details the policies concerning eligibility criteria, applications, waiting list management, tenant selection policies, housing inspection standards, and PHA administrative responsibilities. These topics are also covered in the subsequent chapters of this guidebook.



How to Get a Copy

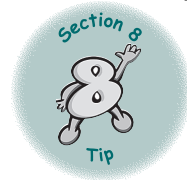
These two plans contain valuable information and must be made available to the public. The disability community can ask any local PHA for a copy of its Section 8 Administrative Plan and its PHA Plan. Some PHAs will supply a complete copy free of charge and may even post the plans on the Internet. As mentioned earlier, HUD has also posted some PHA Plans on the Internet at www.hud.gov/offices/pih/pha.

Other PHAs, especially those with limited staff, may only display copies in their office and may charge for copying.

Influencing Section 8 Policies

There may be policies described in these plans that are impeding the access of people with disabilities to Section 8 housing assistance. Keep in mind that these plans can be amended. After reading this guidebook and learning more about the Section 8 program, the disability community may want to approach the PHA to advocate for changes in Section 8 policies and procedures.

Often PHAs operate their Section 8 program the same way for many years and are resistant to change. To work effectively with a PHA, it is important to have a clear understanding of the ways that Section 8 housing assistance **can** and **cannot** be used. The Code of Federal Regulations (CFR), HUD notices,² and rules published in the Federal Register³ are other resources for Section 8 information.



It is important that the disability community understand that, although many of these documents — especially the CFR and Federal

Register — are complicated and can be difficult to read, they contain very useful information about the Section 8 program.

Chapter 2 Summary

- There may be more than one Section 8 program operating in a community. It is important to determine which PHAs administer the Section 8 program in each locality.
- Many Section 8 policies are left up to the discretion of the PHA. These policies may be influenced by advocacy efforts or by using the tools provided by the federal fair housing laws (see Chapter 8).
- HUD allows PHAs to implement preferences for their Section 8 waiting lists that reflect the housing needs of their particular community. These preferences allow households with certain characteristics or circumstances — such as local residents, people with disabilities, homeless people, etc. — to receive Section 8 assistance before others.
- In the past decade, Congress has appropriated funds for new Section 8 vouchers targeted to specific populations, including people with disabilities. Over 440 PHAs across the nation now administer special set-aside voucher programs targeted exclusively to people with disabilities.
- People with disabilities, as well as other members of the public, have the right to request copies of and review the PHA's Section 8 Administrative Plan and PHA Plan. These documents contain all PHA Section 8 policies and procedures.

¹ U.S. Department of Housing and Urban Development. 2001. Prepared by the Office of Policy Development and Research and the Division of Program Monitoring and Research.

² Available online at www.hud.gov/offices/pih/regs/index.cfm

³ Available online at www.access.gpo.gov/su_docs/aces/aces140.html

Chapter 3

Eligibility, Applications, And The Waiting List Process

Each PHA that administers a Section 8 program is required to make a special effort — known as outreach — to inform the public about the Section 8 program and provide information designed to help households apply for Section 8 assistance. As part of this outreach effort, PHAs must provide information about who is eligible for Section 8 assistance. Since most PHAs have a very limited number of vouchers to distribute at any one time, usually new applications are added to the PHA's Section 8 waiting list. This chapter will provide information about Section 8 program eligibility criteria, as well as a description of the entire application and waiting list process.



The first step to obtaining a Section 8 voucher is to determine which PHAs in each community administer a Section 8 program. The blue pages in the phone book should list all the public housing authorities, or visit HUD's website (www.hud.gov/offices/pih/systems/pic/haprofiles/) to get an entire list of all the PHAs in each state.

Program Eligibility

Although it often seems confusing, eligibility for the Section 8 program is quite straightforward. To be eligible for the Section 8 program a household must:

- **Be very low-income.** This means a household's income must be at or below 50 percent of the area median income as determined by HUD. Each year, usually in April, HUD publishes the Section 8 income limits for every housing market area across the nation. These income limits are used to determine eligibility for the Section 8 program and can be located online at www.huduser.org/datasets/il.html;

AND

- **Be a citizen or a non-citizen with "eligible immigration status;"¹**

AND

- **Be in good standing with federal housing programs.** Specifically, to be eligible for the Section 8 program, a household must not have:
 - Been evicted from public housing;



- Been terminated from another Section 8 program for cause;
- Committed fraud or criminal acts in connection with a federal housing program; or
- Failed to reimburse a PHA for unpaid rent or damages, or currently owe money to a PHA.

Virtually all people with disabilities receiving SSI benefits are income eligible for the Section 8 program.

On average, nationally, the income of a person receiving SSI is equal to 18.5 percent of the median income — well below 50 percent. As mentioned in Chapter 2, new federal income targeting laws require that at least 75 percent of a PHA's Section 8 vouchers must go to households with incomes at or below 30 percent of the area median income. This law should result in increased access to vouchers by people with disabilities.

In addition to the eligibility criteria just described, in the late 1990s, PHAs were given the discretion to screen Section 8 households for prior tenant history, owner references, credit history, and other criteria. More information about this screening process is provided in Chapter 4.

Outreach

The goal of all outreach activities is to reach as many potentially eligible households as possible within the PHA's jurisdiction to make them aware of the Section 8 program. Through this outreach, a PHA must, at a minimum, provide "public notice" of the opportunity to submit Section 8 applications.

According to HUD regulations, this public notice must at least include announcements in local newspapers and in minority media, as well as in other

appropriate publications. These announcements must state:

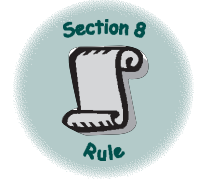
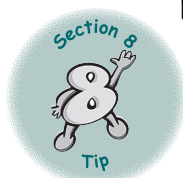
- Where and when to apply for the Section 8 program; and
- Any limitations on eligibility for Section 8 vouchers.

PHAs use a variety of additional outreach strategies. Some examples of other Section 8 outreach efforts include:

- Delivering public service announcements through local television or radio;
- Partnering with local social service organizations to assist in "spreading the word"; and
- Distributing fliers to religious institutions; schools; welfare and government offices; hospitals; libraries; supermarkets; and other community agencies.

It is important to be aware of Section 8 outreach activities. Review the local newspaper carefully, particularly the section containing public notices from government agencies. Look for fliers in the library, supermarkets, and other local institutions. Make sure to read all outreach notices carefully and ask questions to determine how and when to submit an application. The best way to find out if a PHA is accepting Section 8 applications is to call or visit the PHA office and speak to someone who is in charge of the Section 8 application process.

The disability community can play a very important role in outreach activities. In some communities, as a reasonable accommodation under the fair housing laws, PHAs notify disability organizations ahead of time about their plans to start accepting applications. This "advance notice" helps the PHA and disability organizations work together



to ensure that eligible people with disabilities are informed about the opportunity to submit Section 8 applications. Often, disability organizations play a key role in distributing applications, helping people with disabilities complete applications, collecting completed applications, and making sure the applications are received by the PHA on time.

Outreach to Special Populations

In some circumstances, a PHA may open its waiting list only for certain types of households. In these situations, the PHA will accept Section 8 applications from people who meet specific eligibility criteria. For example, PHAs that have special set-aside vouchers for people with disabilities may open their waiting lists only for people with disabilities.

In this case, a PHA may limit its outreach efforts to activities that will most effectively reach this group. A PHA opening its Section 8 waiting list for applications from people with disabilities may choose to limit outreach to the disability community through informational meetings and fliers distributed to local social service and government agencies that provide services to people with disabilities. Again, it is important to ask questions and read all outreach materials carefully to determine if there are any limitations on the application process.

PHAs with set-aside vouchers targeted to people with disabilities should be encouraged to open the waiting list exclusively to people with disabilities, particularly if the PHA has had difficulty using (i.e., leasing) these vouchers. Here again, the disability

community can be a helpful partner to the PHA by referring eligible applicants and by providing support to complete the application and housing search process.

Applying for a Voucher

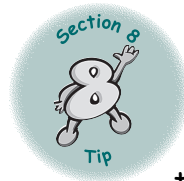
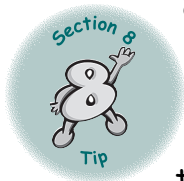
Since the demand for housing assistance almost always exceeds the number of Section 8 vouchers available, PHAs are usually unable to assist a Section 8 applicant immediately. In this case, the PHA will add the application to its Section 8 waiting list.

In many communities, these waiting lists are extremely long — sometimes there are ten times the number of households on the list as there are Section 8 vouchers! Not surprisingly, long waiting lists can result in extremely long waiting periods (i.e., several years) for applicants to be selected. Therefore, people with disabilities can and should apply to as many PHAs as possible. However, a separate written application must be submitted to each PHA.

Completing the Section 8 Application

The first step to obtaining a voucher is successfully completing a Section 8 application. Unfortunately, there is not a standard Section 8 application. Instead, each PHA creates its own application form. In general, however, most Section 8 applications request information about:

- Household composition;
- Income and assets;
- Disability status; and
- Other information needed to determine eligibility.



Many PHAs use a shortened (i.e., 1-2 page) Section 8 application — often referred to as a “pre-application.” Information requested on this pre-application may include: name, address, social security number, age, household size, disability status, total household income, and other information deemed pertinent by the PHA.

Some PHAs may require that interested applicants complete a full Section 8 application that requests



As part of their outreach efforts, some PHAs provide training on the Section 8 application process to the disability community and other interested parties.

more comprehensive information — such as amounts and sources of income for the household, previous tenant history, etc. — and attach documentation verifying the information contained in the application.

It is important to completely fill out the Section 8 application since PHAs may choose to discard those applications that are incomplete. Some PHAs attempt to contact an applicant in order to fill in any missing data, so it is particularly important that the contact information on the application be accurate and current.

A person with a disability may want to include another contact person — such as an advocate, service provider, family member, or friend — on the application. As a reasonable accommodation, the applicant can request that this person be copied on all PHA correspondence sent to the applicant.

PHAs are required to make the application “accessible” to people with disabilities. Some PHAs provide Section 8 applications in different languages or in alternative formats — such as Braille or large print. In any

case, a PHA must provide assistance to complete an application if a person with a disability requests it. For example, a person who is visually impaired may request that PHA staff read and help fill out the application.

Accepting and Processing Applications

Each PHA has its own policies regarding when applications are accepted and in what manner these applications are collected and processed. These policies must be described in a PHA’s Section 8 Administrative Plan.

Some PHAs require interested applicants to pick up and drop off an application **in person** at the PHA’s office. If this method presents a hardship for people with disabilities, a reasonable accommodation can be requested. Some PHAs allow an applicant to mail or fax a written application to the PHA.

Methods for Accepting Applications

There are several methods used by PHAs to accept applications, including those listed below:

- PHAs may designate **one day** in which they distribute and/or receive applications. This method often leads to long lines at the PHA’s office and can create a hardship for people with disabilities and their advocates.
- PHAs may distribute applications to local agencies and interested applicants for a **short time period** (e.g., 2 weeks) and require that they be submitted to the PHA by a specific deadline.
- PHAs may accept applications on an **ongoing basis** (see the discussion of opening/closing a waiting list on page 25).



Reasonable Accommodation and the Application Process

The Section 8 application process often poses significant barriers to people with disabilities. Many people with disabilities have difficulty completing the application, understanding the deadlines, or obtaining help with the process. It is important to note that a person with a disability may request a reasonable accommodation in the PHA's policies for accepting Section 8 applications. Some examples of changes to the application process that can be requested as a reasonable accommodation include:

- Allowing additional time to submit an application;
- Allowing applications to be dropped off at the PHA by a friend, family member, advocate, service provider, etc.; and
- Conducting home visits in order to allow an applicant to complete the application.

Verification of Information

At some point in the application process — either at the time the application is submitted, when the applicant is about to receive a voucher, or, in some cases, at both times — the applicant will be required to submit or provide access to documents that help verify the information provided in the application. The PHA may contact other local agencies, employers, and banks to supplement and verify this documentation. In most situations, the applicant will be required to sign a

Release of Information form so that the PHA has permission to contact these "third parties."

The information gained through the verification process is used for two purposes:

1. To determine overall eligibility for the Section 8 program; and
2. To determine the amount of "subsidy" the PHA will contribute toward housing costs. How this subsidy amount is determined is discussed further in Chapter 5.

A person with a disability may request a reasonable accommodation in the PHA's policies for accepting Section 8 applications.

Waiting Lists

Opening and Closing a Section 8 Waiting List

Section 8 applications are only accepted while a PHA's Section 8 waiting list is "open." A PHA opens the Section 8 waiting list to increase the number of applicants on its list. HUD requires that PHAs open the Section 8 waiting list if they do not have enough applicants to be able to distribute vouchers they anticipate will be available.

In general, PHAs use one of two methods to add applications to the waiting list:

- **Chronological order:** based on the date and time received; or
- **Randomly ordered:** referred to as a "lottery." Occasionally, the applications that are put into the lottery are limited to a specific number (e.g., the first 200 received by the PHA) or to those received by a specified date.

A PHA's policies about how applications are added to the waiting list should be included in all outreach material and must be described in the Section 8 Administrative Plan.

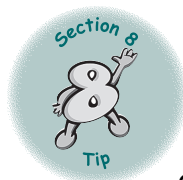
Closed Lists

If the PHA determines that there are enough applicants on the waiting list to utilize all vouchers expected to be available in the near future, HUD permits the PHA to close its list. When the list is "closed," no applications can be accepted. The PHA can grant some exceptions to this rule for people displaced by fire, flood, natural disaster, or other federal action. These exceptions must be clearly documented in the Section 8 Administrative Plan. When a closed waiting list is "reopened," the PHA must follow the outreach requirements described earlier.

Since, as mentioned above, many PHAs have long waiting lists, there are many lists that are closed and have been closed for many years. Unfortunately, lists that have been closed for a long time may include applicants that can no longer be easily contacted. For example, applicants on the list may have:

- Located other housing and no longer need a voucher; or
- Moved and have not provided a forwarding address.

Because a PHA is required to try to contact each applicant on the waiting list, "old" Section 8 waiting lists can



mean long delays in getting Section 8 vouchers to households that need them. PHAs have been known to contact as many as 50-100 applicants in order to issue 10

vouchers. It is critical for the disability community to stress the importance of good waiting list management to the PHA and help

them develop fair policies to achieve this goal. Examples of strategies that can be used to prevent "old" Section 8 waiting lists from being a problem include the following:

- PHAs should be encouraged to update their waiting lists regularly — at least once a year.
- Section 8 applicants and their advocates should **always** notify the PHA when they have moved or if there has been a change in their contact information.

Waiting List Preferences

Waiting list preferences are a very important aspect of the Section 8 program. PHAs have the discretion to establish "local preferences," subject to HUD approval, to reflect the needs of their particular community. Applicants who qualify for these preferences may be able to "move ahead" of other households on the waiting list who do not qualify for any preference.

A PHA's preferences for the Section 8 program must be documented in both the Section 8 Administrative Plan and PHA Plan. Examples of some local preferences include:

- People who work in, or are residents of, a specific locality (known as a "residency" preference).
- People who are homeless.
- People living in substandard housing.
- People paying more than 50 percent of income for rent.
- People with disabilities.

It is important to note that although PHAs may establish a preference for people with disabilities, they may not establish a preference for people with a





PHAs can establish a preference in their Section 8 waiting list for people with disabilities.

specific type of disability (e.g., people with mental retardation).

Since some waiting lists can be extremely long, preferences are an invaluable mechanism for ensuring that the people with the most severe housing needs — such as people with disabilities receiving SSI — don't have to wait as long as certain other eligible households. Unfortunately, many PHAs have not implemented a preference for people with disabilities. Instead, some PHAs have established preferences that favor higher-income households — such as working families.

Given the extreme need for housing assistance among people with disabilities, it is critical that the disability community encourage PHAs to implement preferences that assist people with disabilities to move quickly through the

waiting list. Other examples of Section 8 preferences that may benefit people with disabilities include:

- People living in transitional housing;
- People living in Single Room Occupancy (SRO) units;
- People living in "restrictive settings," such as institutions, nursing homes, group homes, or board and care homes; and
- People receiving state-funded supportive services.

Table 3-1 below demonstrates how preferences can effect the position of applicants on the Section 8 waiting list.

Section 8 preferences are one reason why it is difficult for both the PHA and Section 8 applicants to know exactly how long they will have to wait for a voucher. At some PHAs, applicants without a preference may **never** receive a voucher because applicants with a preference will always be moved ahead of them on the waiting list.



Table 3-1: Example of Preferences and the Section 8 Waiting List

The Jonesville PHA administers 100 Section 8 vouchers and expects that 10 vouchers will be available during the next year. It currently has a waiting list of 11 applicants. The Jonesville PHA uses two preferences to select people from its Section 8 waiting list: residency and disability. These preferences are applied equally. As shown in this example, those applicants who meet one of these preferences are selected before those who do not meet any preference, despite the fact that the non-preference applicants may have applied first.

Date of Application	Name	None	Preferences Residency	Disability	Order Selected
2/2000	Smith	X			7
4/2000	Ramirez	X			8
5/2000	Jones		X		1
7/2000	Lee	X			9
9/2000	McMillian	X			10
10/2000	Martinez		X		2
12/2000	Miller		X		3
4/2001	O'Rourke		X	X	4
9/2001	Cooper			X	5
10/2001	Schwartz	X			11
12/2001	Chang		X	X	6



By reading the PHA's Section 8 Administrative Plan and learning about a PHA's preferences, the disability community will have a better understanding of how the Section 8 waiting list works.

If a PHA has several preferences that are used through a "ranking" structure (e.g., first preference for households displaced by fire, second preference for households fleeing domestic violence), it is even more difficult to predict when a voucher will be available for an applicant with a lower ranked preference.

After the Application Process

After the application is submitted, it is extremely important for Section 8 applicants to stay as informed as possible about their waiting list



As a reasonable accommodation for a person with a disability, a PHA can allow previously incomplete applications to be added to the list (once completed), even if the list is now closed.

"status." Applicants must receive a letter from the PHA verifying their application status. This letter may state that the application has been added to the Section 8 waiting list. Sometimes the PHA's letter may state that the application is incomplete and provide an opportunity for the applicant to provide the missing information. In other cases, the letter may state that the PHA held a lottery and this application was not successful — meaning it was not added to the waiting list.

One way to learn more about an applicant's status is to call the PHA. Some PHAs assign a number to each application and include this "control number" on all written correspondence with the applicant. This control number should be referenced when calling the PHA. Unfortunately, as stated above, the PHA may not be able to provide a specific answer regarding the wait period and may only be able to give a general idea (e.g., within the next year).

Because the majority of PHAs correspond with Section 8 applicants by mail, it is important that any change in contact information be relayed promptly to the PHA. Also, as mentioned before, it may be helpful to include a secondary contact and request that the PHA copy this person on all PHA correspondence. This can be requested as a reasonable accommodation for a person with a disability.



PHA Waiting List Updates

To best manage the hundreds, or even thousands, of applicants on the Section 8 waiting list, PHAs should regularly "update" the list. Keep in mind that people may apply to different PHAs, and be on many waiting lists at the same time. Therefore, some PHAs update their waiting list once a year, or perhaps even every six months, to keep it as current as possible.

In order to update their waiting lists, PHAs must send out letters to applicants asking them to reconfirm

A person with a disability that does not respond to a waiting list update letter (and consequently has their name removed from the waiting list) can request that their name be reinstated to the list as a reasonable accommodation.



their interest in the Section 8 program. Often these update letters require the applicant to respond by a certain date. If the PHA does not receive a response, the applicant is automatically removed

from the waiting list. Through this process, PHAs eliminate any applicants who do not respond appropriately to the update letter or who are no longer interested in the program.

Chapter 3 Summary

- To be eligible for the Section 8 program, applicants must be very low-income (i.e., have incomes at or below 50 percent of the area median income), be a citizen or a non-citizen with "eligible immigration status," and be in good standing with PHAs.
- When accepting applications for the Section 8 program, a PHA must conduct outreach to potentially eligible households within its jurisdiction. These outreach activities can be limited to "special populations" that meet specific eligibility criteria.
- Partnerships between PHAs and the disability community can enhance Section 8 outreach efforts.
- The first step to obtaining a voucher is successfully completing a written Section 8 application. Generally, these applications ask for information about household composition; income and assets; disability status; and other information needed to determine eligibility.
- The demand for housing assistance almost always exceeds the number of Section 8 vouchers available. When this occurs, PHAs add Section 8 applications to their Section 8 waiting list. These lists can be extremely long and the waiting period can be years in some communities.
- A PHA's Section 8 waiting list is considered "open" when the PHA is accepting applications for the program. A PHA can add names to its list by many methods, including chronologically and by lottery.
- Preferences can be very helpful in moving people along the waiting list. Given that many people with disabilities are currently facing a housing crisis, the disability community should encourage its local PHA to establish a preference in its Section 8 program for people with disabilities.
- PHAs may not establish a preference for one subgroup of people with disabilities (e.g., people with developmental disabilities, people who are visually impaired, people with physical impairments, etc.) since Section 8 vouchers must be made available to all people with disabilities.
- PHAs should update their Section 8 waiting list often. Through this process, PHAs ensure that the applicants on the waiting list are still interested in receiving Section 8 assistance.
- A reasonable accommodation can be requested at many stages in the application process.

¹ See 24 CFR Part 5 for more information about the Section 8 requirements regarding citizenship.

Chapter 4

Screening, Verification, And Appeals

As discussed in Chapter 3, eligibility for the Section 8 program is quite straightforward. However, recent changes to Section 8 rules now permit PHAs to impose much more rigid screening criteria on Section 8 applicants. The purpose of this chapter is to help people with disabilities, their families, advocates, and service providers understand Section 8 screening and verification processes, and to learn how to appeal eligibility decisions.

Screening Policies

In the late 1990s, PHAs were given the authority to screen Section 8 applicants for prior tenant history, owner references, credit history, and other criteria. Now, in many instances, it is both the PHA and the owner of the rental unit chosen by the Section 8 household who may decide whether the individual or family is suitable for tenancy. Previously, PHAs were only permitted to screen applicants for public housing, but were not permitted to screen applicants for the Section 8 program. Rather, it was the owners participating in the Section 8 program who conducted any screening of previous tenant history, credit problems, etc.

Screening Section 8 applicants is now an option for PHAs, but is **not mandated by law**. The PHA has the

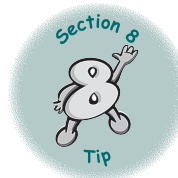
option of screening Section 8 applicants for the following:

- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others;
- Non-payment of rent or utility bills;
- Poor treatment of previous housing units and premises; and
- Lack of respect for the rights of other residents to the peaceful enjoyment of their housing.



Each PHA has the ability to decide how in-depth this screening process will be and how strictly to apply the screening criteria. However, PHAs **must** screen all Section 8 applicants uniformly. For example, if a PHA conducts a criminal records check on one applicant, it must conduct one on every applicant — not just those who “look” like ex-offenders.

Some PHAs conduct lengthy criminal records checks and deny any applicant who has committed a crime within the past three years.



In many communities, new screening criteria have added even more paperwork and waiting time to an already cumbersome and lengthy application process. PHA policies for screening applicants must be described in the Section 8 Administrative Plan and must clearly document the criteria utilized.

Screening Criteria and Reasonable Accommodation

PHA's are obligated to modify their screening policies to accommodate a person with a disability. For example, if a PHA denies assistance to a Section 8 applicant with mental illness based on past criminal history (e.g., the applicant was arrested for loitering and disorderly conduct last year when not taking medications), the applicant can ask that the PHA disregard the criminal history in light of mitigating circumstances related to the disability. This request could be "reasonable" if the applicant is now receiving supportive services for medication management.

The burden of requesting a reasonable accommodation from the PHA and presenting any documentation to show why it is reasonable falls on the applicant. A further discussion of reasonable accommodation in the Section 8 program is included in Chapter 8.



Denial of Assistance

Some applicants are denied Section 8 assistance. There are several reasons why a household could be denied. The most common reasons include:

- **A household could have too much income and may not meet the low-income criteria described earlier.** Keep in mind that when determining income eligibility for the Section 8 program, a PHA takes into account all sources of income from all

household members. For example, if a "household" includes two unrelated adults with disabilities using one voucher, the PHA will combine the income of both adults when determining eligibility for the Section 8 program.

- **A household could have a poor tenant history or recent criminal history.** PHAs now have the flexibility to deny Section 8 assistance based on past tenant or criminal history. For example, an applicant may be denied Section 8 assistance if the applicant:



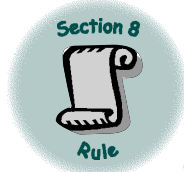
- Committed recent drug-related activity or violent criminal activity;
- Was evicted for cause from private housing;
- Failed to pay rent in previous housing; or
- Failed to meet other tenant obligations in previous housing.

In addition, PHAs may deny Section 8 assistance to an applicant based on the reasons listed above even if it was not the applicant's fault but was caused by another member of the applicant's household. For example, if a recently married couple applied for Section 8 assistance with the wife listed as the head of household and, in the past, the husband was evicted for cause from private housing, the couple could be denied Section 8 assistance.

It is important to note that a PHA may not deny a person admission to the Section 8 program on the basis of disability, household status, source of income, race, color, sex, religion, or national origin.

Appealing Eligibility Decisions

APHA is required to have a formal process for appealing decisions made in the Section 8 program, including eligibility decisions. This appeal process must be described in the PHA's Section 8 Administrative Plan. In the ideal situation, this appeals process allows the applicant to present any mitigating circumstances that may help to reverse the PHA's decision. For example, applicants who in the past owed money to a PHA may still be given a Section 8 voucher if they show proof of a repayment agreement in good standing with the previous PHA.



Many PHAs have specific procedures for appealing decisions, including informal hearings with applicants and PHA staff and accepting input from objective stakeholders such as other PHA staff and/or advocates (e.g., service providers, family members) of the applicant.



However, some PHAs may not make applicants aware of their right to appeal PHA decisions. If a household is determined ineligible for the Section 8 program, the PHA must put in writing the reasons for the denial and provide information regarding the appeals process.

Verification and Documentation of Eligibility

As mentioned earlier, actual documentation — such as written verification of income (including any assets); household composition (including the age and social security numbers of all household members); citizen status; disability status (if

applicable); and other criteria established by the PHA — is required to prove eligibility for the Section 8 program. For example, applicants who meet a residency preference must prove that they live or work within the PHA's jurisdiction.

Some PHAs will require applicants to verify eligibility only when they reach the top of the Section 8 waiting list. Other PHAs require that applicants verify their eligibility at two different times — when they first submit the application and again when the applicant has been selected from the waiting list. Usually there is a significant amount of time between these two events.

Many PHAs require that verification be recent. For example, some PHAs require that documentation be less than 60 days old. As a result, applicants are almost always required to update any documentation previously submitted to the PHA.

Third Party Verification

PHAs usually require that verification be "third party" for all eligibility criteria. This means that the actual documentation must come from another person or agency (such as an employer, public agency, physician, etc.) Service providers and other members of the disability community are often good sources of third party verification.

Third party verification can be written or oral; however, written is preferred by most PHAs. Examples of this type of verification are:

- Letter from the U.S. Social Security Administration verifying receipt of SSI benefits and amount received (to prove income and/or disability status).
- Letter from a physician verifying disability status (in accordance with Section 8 rules).
- Birth certificate or passport verifying citizen status.

PHAs will not usually accept verification of income from anyone



People with disabilities can request extra time to gather the necessary documentation as a reasonable accommodation.

other than the source of the income or other assets. In other words, the PHA will not usually allow applicants to obtain their own verifications of income, assets, eligibility, or expenses.

The PHA must establish a policy permitting other forms of acceptable verification in those situations when third party verification is absolutely not available. As with other Section 8 policies, the PHA's standards regarding acceptable forms of documentation must be documented in the Section 8 Administrative Plan.

Failure to Provide Verification

Collecting the necessary documentation can be time-consuming and difficult. This step in the Section 8 eligibility process is often hindered by how difficult it is to locate some of the required documents. Advocates, family members,

and service providers can provide assistance in collecting these documents and ensure that they are recent.

The importance of this step in the Section 8 application process should not be underestimated. Households that fail to provide the PHA with the required documentation and verification will be determined ineligible for a Section 8 voucher. It is important to find out as early as possible what documentation will be required in order to provide assistance, if needed, to gather this information in a timely manner.

Much of the information used to determine a household's initial eligibility for the Section 8 program will have to be submitted at least once a year after the household obtains housing. Failure to provide this information to the PHA on an annual basis can

be grounds for termination of the Section 8 voucher. It is therefore extremely important that Section 8 households keep all this third party verification information in a safe and accessible place. Section 8 households may also want to give copies of this information to trusted friends, family members, or service providers.



Chapter 4 Summary

- In the late 1990s, PHAs were given the authority to screen Section 8 applicants for prior tenant history, owner references, credit history, and other criteria.
- PHAs are obligated to make changes to their screening process to accommodate a person with a disability.
- Some applicants are denied Section 8 assistance. Some reasons for being denied include a household: having too much income, having a poor tenant history, or having recent criminal history. When applicants are denied, it is important to meet with the PHA and present any information or mitigating circumstances that may change the PHA's decision.
- A PHA must have a formal process for appealing decisions made about eligibility.
- Applicants will be required to provide actual documentation that verifies their eligibility for the Section 8 program. Failure to provide this documentation could result in an applicant being determined ineligible.

Chapter 5

Determining The Total Tenant Payment And The Section 8 Rent Subsidy

In the Section 8 program, both the Section 8 household and the PHA pay a portion of monthly housing costs, including rent to the owner as well as any tenant-paid utilities. The household's share is called the "total tenant payment" and is based on the household's income. The amount of the PHA rent subsidy is determined by several factors including: the income of the Section 8 household; rental housing market costs in the community where the Section 8 voucher is being used; and the amount of rent and any tenant-paid utilities for the unit that will be leased by the Section 8 household.

This chapter will provide specific information about how the PHA:

- Calculates the total tenant payment;
- Establishes Section 8 payment standards based on local housing costs;
- Calculates the monthly Section 8 rent subsidy; and
- Makes other important calculations that determine the amount of the Section 8 rent subsidy.

Overview

During the past few years, HUD's rules concerning the Section 8 rent subsidy and the amount of the

total tenant payment have changed. These changes have resulted in increased flexibility for PHAs to adjust the Section 8 rent subsidy to reflect local housing costs.

Under these new rules, Section 8 households also have more flexibility in their housing choices because they are now permitted to pay a slightly higher percentage of their income toward housing costs. Unfortunately, in many communities

these changes have made the financial aspects of the Section 8 program more difficult to understand.

To fully understand the Section 8 program, it is important to understand how the following three components relate to one another:

1. The Section 8 household's total tenant payment, based on Section 8 rules;
2. The Section 8 rent subsidy, based on the PHA Section 8 payment standard; and
3. The total cost of the housing, including the rent charged by the owner, as well as the cost of any tenant-paid utilities. HUD requires this cost to be "reasonable" based on modest housing costs for the locality.

Table 5-1 illustrates the relationship among these three components.



Table 5-1
Three Components of the
Section 8 Benefit

Total Tenant Payment	\$ 150
Section 8 Rent Subsidy	+ \$ 350
Total Housing Costs	= \$ 500

In the Section 8 program, the monthly cost of the housing is paid for by a combination of the total tenant payment and the Section 8 rent subsidy. For people with disabilities — particularly people with disabilities receiving SSI benefits — the rent subsidy provides most of the funding for monthly housing costs.

Total Tenant Payment

To fully understand HUD's current rules about the total tenant payment, it helps to review some of the history of the Section 8 program. When the Section 8 certificate program began in 1975, it was based on the principle that low-income households should not pay more than 30 percent of their monthly adjusted income toward housing costs.

When the Section 8 voucher program was added in 1988, the voucher program rules initially had **no limit** on the amount of the total tenant contribution. However, as mentioned earlier, in 1998 the federal government "merged" the Section 8 certificate program and the former Section 8 voucher program and created the new Section 8 Housing Choice Voucher Program. The new Housing Choice Voucher Program (referred to as the "Section 8 program" in this guidebook) has both a minimum and maximum total tenant payment rule.

Minimum and Maximum Total Tenant Payment

Under the new Section 8 voucher program, the minimum and maximum total tenant payment rules preserve some flexibility for

Section 8 households in terms of how much they choose to contribute toward housing costs. The basic rule for the minimum tenant contribution is still

the same — Section 8 households should contribute 30 percent of monthly adjusted household income toward housing costs, including any tenant-paid utilities.¹

Under the new program, there is also a maximum total tenant payment, which is set at 40 percent of monthly adjusted income. This means that Section 8 households typically pay at least 30 percent of their income, but could pay as much as 40 percent of their income toward rent and any tenant-paid utilities when they first move in to a unit. The effect of the 30 percent minimum and 40 percent maximum total tenant payment rule is illustrated below in Table 5-2 for a household with a monthly adjusted income of \$500.

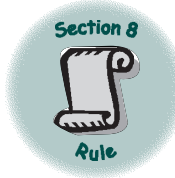
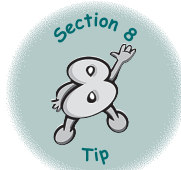


Table 5-2
Minimum and Maximum
Total Tenant Payment

Tenant Monthly Adjusted Income	\$ 500
Minimum Total Tenant Payment @ 30% of \$500	\$ 150
Maximum Total Tenant Payment @ 40% of \$500	\$ 200

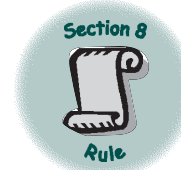
In this example, the Section 8 household would pay at least \$150 toward monthly housing costs, but could choose to pay up to \$200 — an increase of up to \$50 — if they wanted to rent a more costly unit. As noted later in this chapter, this choice of whether the Section 8 household wants to spend more than 30 percent of their monthly income toward housing costs is not actually made until the household selects a unit during the housing search process.

The minimum and maximum total tenant payment should always be calculated by the PHA and provided to the Section 8 household at the time that the voucher is first issued at the Section 8 briefing session. (Chapter 6 provides further information about Section 8 briefing sessions.) It is important for the Section 8 household to understand this flexibility within the Section 8 program **before** the household begins the housing search process. This information, along with the PHA's Section 8 payment standard and maximum Section 8 subsidy amount (discussed later in this chapter), is needed for the Section 8 household to know which units available for rent in the community can be approved within the financial limits of the Section 8 program.



PHA Payment Standards

Under the Section 8 rules, the PHA establishes Section 8 "payment standards"² for its Section 8 program that are based on the number of bedrooms in the unit to be rented. Thus, each PHA has a zero-bedroom (or studio)



payment standard, a one-bedroom payment standard, a two-bedroom payment standard, etc.

These payment standards are used to calculate the maximum amount of the Section 8 rent subsidy the PHA will pay for units rented through the program. If the PHA increases its payment standard, the amount of the rent subsidy automatically goes up, and visa versa.

PHAs have some flexibility to establish their Section 8 payment standards. The payment standards are based on HUD's Fair Market Rents (FMRs). Each year in October, HUD publishes new FMRs for every housing market area in the United States.³ FMRs are also based on the number of bedrooms in the rental unit (e.g., one-bedroom FMR, two-bedroom FMR, etc.) and are intended to reflect modestly priced rental housing costs in that housing market area.

A PHA has the discretion to set its Section 8 payment standard at an amount between 90 and 110 percent of the FMR for that area. Table 5-3 illustrates how the payment standard can change depending on the PHA's



Table 5-3
Payment Standard Options

90-110% of 1-Bedroom FMRs in Six Housing Market Areas in 2002

HOUSING MARKET	90% FMR	100% FMR	110% FMR
Austin, TX	\$ 600	\$ 667	\$734
Boston, MA	\$ 899	\$ 999	\$1,099
Chicago, IL	\$ 672	\$ 747	\$822
Monroe, LA	\$ 320	\$ 355	\$ 391
Roanoke, VA	\$ 347	\$ 385	\$424
Santa Fe, NM	\$ 565	\$ 628	\$691

decision to use 90 percent, 100 percent, or 110 percent of the FMR for its one-bedroom payment standard. Six localities are used in Table 5-3 to illustrate this flexibility.

By giving PHAs the flexibility to establish their own Section 8 payment standards, the federal government is permitting PHAs to respond more directly to local housing market conditions. Simply stated, by using a higher payment standard (e.g., 110 percent of FMR), a PHA is providing a Section 8 household with a larger rent subsidy which, in turn, allows the household more options when searching for units available in the community within the Section 8 cost limits.

PHA Rent Subsidy Amount

Once the minimum tenant contribution and the PHA's Section 8 payment standards are known, the maximum amount of the Section 8 rent subsidy can be calculated. The maximum PHA rent subsidy is the highest amount of Section 8 rent subsidy that the PHA is authorized by HUD to pay to the owner.

The maximum Section 8 rent subsidy is calculated by subtracting the minimum total tenant payment from the PHA payment standard. This rule is illustrated in Table 5-4 below.

Table 5-4
Maximum Rent Subsidy

PHA 1-bedroom payment standard	\$ 450
Minimum Total Tenant Payment	- \$ 150
Maximum PHA Rent Subsidy	= \$ 300

However, the maximum PHA rent subsidy is not necessarily the actual rent subsidy that the PHA will pay on behalf of a specific household. The actual PHA rent subsidy will be based on the cost of the unit selected by the Section 8 household and can be less than the maximum subsidy.

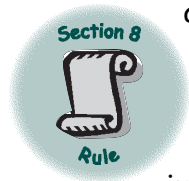
The PHA ends up paying the maximum rent subsidy **only** if the Section 8 household selects a unit with housing costs that are equal to the applicable Section 8 payment standard. If the cost for the unit is less than the payment standard, then the PHA rent subsidy will be less. If the cost of the unit is more than the payment standard, it means that the Section 8 household must pay more than 30 percent of its income as its total tenant payment.

This rule is illustrated by the examples in Tables 5-5 and 5-6. In both of these examples, the Section 8 one-bedroom payment standard is \$450 and the household's minimum total tenant payment is \$150. Therefore, the maximum PHA rent subsidy is \$300. The cost of the actual unit selected by the household varies in each table.

In Table 5-5 below, the cost of the actual unit selected is \$450, which is the same as the PHA's one-bedroom payment standard. The PHA will

Table 5-5
Cost of Unit Equal to PHA Payment Standard
PHA 1-Bedroom Payment Standard = \$450

Actual cost of the unit selected	\$ 450
Minimum total tenant payment @ 30 percent	- \$ 150
Actual PHA rent subsidy	= \$ 300



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Table 5-6
Cost of Unit Less Than the PHA
Payment Standard

PHA 1-Bedroom Payment
Standard = \$450

Actual cost of the unit selected	\$425
Minimum total tenant payment @ 30 percent	- \$150
Actual PHA rent subsidy	= \$275

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therefore pay the maximum PHA rent subsidy of \$300 and the household will pay the minimum total tenant payment of \$150.

Table 5-6 illustrates what happens if the Section 8 household selects a unit that costs \$425, which is \$25 less than the PHA one-bedroom payment standard.

In Table 5-6, the PHA rent subsidy decreases by \$25 to \$275 because the cost of the unit is \$25 less than the PHA payment standard. The minimum total tenant payment of \$150 does not change, even though the rent for the unit is less.

Paying More Than the Minimum Total Tenant Payment

If the unit selected by the Section 8 household costs more than the applicable PHA payment standard, then the household will be required to pay more of their income toward housing costs (i.e., more than the minimum total tenant payment). However, the household may not pay more than 40 percent of income (i.e., maximum total tenant payment) when they first move in to a unit. This situation is illustrated in Table 5-7 using the same basic

income and payment standard information used in Tables 5-5 and 5-6, except the cost of the unit is now \$475 — \$25 higher than the payment standard.

In Table 5-7, the maximum PHA rent subsidy permitted is still \$300 and the minimum total tenant payment is still \$150 for a total of \$450. However, the cost for the unit is \$475.

In order to rent this unit, the household will be required to pay the additional \$25 because the Section 8 rent subsidy cannot be increased. Therefore, the total tenant payment goes up to \$175. Because of the Section 8 program's flexibility, the household will be permitted to pay the

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Table 5-7
Cost of Unit More Than the PHA
Payment Standard

PHA one-bedroom payment standard	\$450
Minimum total tenant payment @ 30 percent	\$150
Maximum total tenant payment @ 40 percent	\$200
Maximum PHA rent subsidy	\$300 (\$450 - \$150)



Actual cost of the unit	\$475
Maximum PHA rent subsidy + minimum total tenant payment	\$450 (\$300 + \$150)
Shortfall in order to rent unit	\$25 (\$475 - \$450)
Actual total tenant payment needed	\$175 (\$150 + \$25)

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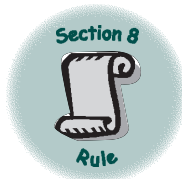
additional \$25, as long as the total tenant payment by the household does not go above 40 percent of income (i.e., the maximum total tenant payment), which, in this example, is \$200.

Using This Information to Select Housing

The previous tables illustrate just how complicated it is to select housing within the Section 8 rules. The minimum and maximum tenant contribution and the maximum PHA rent subsidy are all used to help Section 8 households select housing that can be approved within the Section 8 cost guidelines. Because these guidelines depend on a flexible PHA payment standard, and a flexible total tenant payment, it is important that the Section 8 household know how to work within this framework to find appropriate housing.

Despite this complexity, two basic rules apply when selecting housing in the Section 8 program.

1. For tenants willing to pay up to 40 percent of monthly income toward housing costs, the maximum monthly housing cost cannot exceed the total of the maximum total tenant payment and the maximum PHA rent subsidy.
2. For tenants willing to pay no more than 30 percent of monthly income toward housing costs, the household should look for housing with "total housing costs" that do not exceed the PHA payment standard.



for the unit **plus** the cost of any tenant-paid utilities. In some rental housing situations, all of the utilities are included in the monthly rent charged by the owner, while in others, the tenant must pay out-of-pocket for some, or all, of the utilities.

[NOTE: For simplification purposes, in Tables 5-5 through 5-7, the cost of the unit included all utilities.]

PHA Utility Allowances can be very complicated because they must consider all possible types and combinations of tenant-paid utilities that might come up when leasing units and all possible types of housing units.



In order to factor the cost of tenant-paid utilities into total monthly housing costs, the Section 8 program uses the concept of a PHA Utility Allowance. The Utility Allowance helps the PHA estimate the total monthly housing cost of a unit by factoring in the average cost of any tenant-paid utilities (the "allowance") and adding this allowance to the rent charged by the owner.⁴

The Utility Allowance is **not** paid to the tenant. Instead, it is used to **reduce** the actual amount of the tenant's share of the rent paid to the owner.

PHA Utility Allowances can be very complicated because they must consider all possible types and combinations of tenant-paid utilities that might come up when leasing units (e.g., gas heat, electric heat, oil heat, gas hot water, electric hot water, etc.) and all possible types of housing units (e.g., apartments, single family homes, duplexes, etc.) The PHA must establish and maintain a Utility Allowance schedule for all tenant-paid utilities (except telephone).

An example of a PHA Utility Allowance for a one-bedroom duplex unit with electric heat and hot water,

Utility Allowances

Within the Section 8 program, "total housing costs" are defined as the actual rent charged by the owner

Table 5-9
Example of a PHA Utility Allowance

Type of Tenant-Paid Utility	1-Bedroom Duplex Utility Allowance
Oil heat	Not applicable
Gas heat	Not applicable
Electric heat	\$40
Electricity for lights	\$20
Gas hot water	Not applicable
Domestic hot water (oil)	Not applicable
Electric hot water	\$20
Total Utility Allowance	\$80

and electric lighting paid by the tenant is provided in Table 5-9.

In this example, the allowance for tenant-paid utilities is \$80 per month. The Utility Allowance is intended by HUD to reflect **average** monthly utility usage amounts based on year-round usage. It is not intended to be accurate for each month of the year.

How to Use the Utility Allowance

This Utility Allowance is used for two purposes:

1. The PHA subtracts the Utility Allowance from the total tenant payment to reduce the amount of rent the tenant will pay to the



People with disabilities can request a higher Utility Allowance, if needed, as a reasonable accommodation. For example, a person with physical disabilities may require a higher Utility Allowance to compensate for

the amount of electricity used by needed medical equipment. However, a higher Utility Allowance cannot be approved simply to permit the household to rent a unit that would otherwise exceed Section 8 guidelines.

Table 5-10
Utility Allowance Calculation

Total tenant payment	\$150
Allowance for tenant-paid utilities	- \$80
Tenant share of rent paid to owner	= \$70

2. The PHA adds the Utility Allowance to the monthly rent charged by the owner to determine the total monthly housing cost of the unit — known in the Section 8 program as the “gross rent.” Table 5-11 illustrates this scenario.

This unit’s total cost is \$430, which is \$20 less than the \$450 payment standard used in the examples in this chapter. The household would pay \$70 to the owner and have \$80 left from their minimum total tenant payment of \$150 for tenant-paid utilities.

Table 5-11
Utility Allowance and Gross Rent

Actual rent charged by owner	\$350
Utility allowance	+ \$80
Total monthly housing cost (Gross Rent)	= \$430

Maximum Initial Rent Burden

The 40 percent maximum total tenant payment rule is designed to ensure that the amount paid by the household toward housing costs is affordable to that household. In the Section 8 program, this 40 percent maximum is also referred to as the Maximum Initial Rent Burden and is applicable in two specific situations:

- When the Section 8 household first enters the program and leases a unit; and
- Anytime a Section 8 household moves to a new unit.

Thus, a Section 8 household may **not** select a **new** unit at any time during their program participation that will require the household to pay more than 40 percent of their income toward housing costs.

The 40 percent rule does not apply in the case of a Section 8 household already leasing a unit through the Section 8 program, where the owner, in accordance with the lease, subsequently decides to increase the rent.



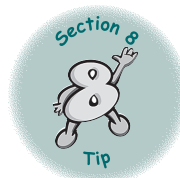
If this increase results in the household paying more than 40 percent as their tenant contribution, the PHA can approve the increase and permit the family to pay more than 40 percent, provided the new rent charged by the owner is reasonable.

"Exception" Payment Standards

Under certain circumstances, PHAs can use "exception" or higher payment standards — meaning higher than their existing payment standard — for the Section 8 program. There are three methods for setting this exception payment standard:

1. PHAs in areas with high cost rental housing markets may request an exception payment standard from HUD. This allows the PHA to set the Section 8 payment standard above 110 percent of the FMR for a particular geographic region.
2. New regulations allow HUD to calculate Fair Market Rents from a different "baseline" — meaning using housing costs that represent the 50th percentile for rents rather than the 40th percentile that is commonly used. However, the higher FMRs may not necessarily increase rents above the amounts that can be approved under #1 above.
3. Exception payment standards can be provided on a case-by-case basis as a reasonable accommodation for a person with a disability. This type of exception is discussed further in Chapter 6.

Because of the under-utilization of Section 8 vouchers during the past few years, some PHAs, as well as HUD, have been more willing to approve exception payment standards than they were a few years ago. It is important for the disability community to keep track of Section 8 voucher



utilization data from local PHAs and advocate for exception Section 8 payment standards when higher housing costs make it difficult for Section 8 households to use their vouchers successfully.

Voucher Size

The amount of Section 8 subsidy a household receives depends not only on the payment standard, but also on the household size and composition. These characteristics dictate the voucher “size” (e.g., one-bedroom, two-bedroom, etc.) appropriate for the household. For example, a married couple with one child would most likely qualify for a two-bedroom voucher while a single person typically qualifies for a studio or one-bedroom voucher.

In addition to these general rules, there are some instances when a larger size voucher might be necessary for a person with a disability. For example, a person with a physical disability might need an extra bedroom to store large pieces of medical equipment that they use on a regular or interim basis. A person with mental retardation might have support service staff who spend the night and will require a bedroom for sleeping. In special situations such as these, the PHA can provide a larger voucher size as a reasonable accommodation.



Live-In Aide

A Section 8 household may also include a live-in aide who actually resides in the unit. A live-in aide is defined by HUD as a person who resides with an elderly, disabled, or handicapped person or persons, and who:

1. Is determined to be essential to the care and well-being of the person(s);
2. Is not obligated for the support of the person(s); and
3. Would not be living in the unit except to provide the necessary supportive services.

Each member of the household with a disability is allowed to have a live-in aide included as part of the household. As mentioned in the earlier example, when requested as a reasonable accommodation, PHAs can allow overnight on-site support staff to qualify as a live-in aide. However, an overnight support staff person differs from a live-in aide because the live-in aide actually uses the Section 8 unit as their permanent residence, while an overnight support staff person does not.

Examples of Household Compositions and Voucher Sizes

Some examples of common household compositions and the corresponding voucher sizes include:

- One-Bedroom Voucher:
 - A single adult with a disability;
 - Two adults; or
 - A single adult with a minor dependent child.
- Two-Bedroom Voucher:
 - An adult with a disability with a live-in aide;
 - Two unrelated people with disabilities; or
 - A head of household (with or without spouse) with either one or two dependents.
- Three-Bedroom Voucher:
 - Three unrelated people with disabilities;
 - Two unrelated people with disabilities and a live-in aide; or
 - A head of household (with or without spouse) with either two or three dependents.

- Four-Bedroom Voucher:
 - Two unrelated people with disabilities and two live-in aides;
 - Three unrelated people with disabilities and one live-in aide;
 - Four unrelated people with disabilities; or
 - A head of household (with or without spouse) with either four or five dependents.



A Section 8 household may also include a live-in aide who actually resides in the unit. Each member of the household with a disability is allowed to have a live-in aide included as part of the household.

A Section 8 household can choose to rent a larger or smaller unit than the size of the voucher issued. If the unit is larger, the payment standard and subsidy amount will still be based on the voucher size issued. If the unit is smaller, the subsidy will be reduced accordingly. In all instances, the household may not spend over 40 percent of its adjusted income toward housing costs when it first moves in, and the rent for the unit must be reasonable in comparison to other similar units in the community.

Calculating Monthly Adjusted Income and Total Tenant Payment

The PHA is responsible for examining a Section 8 household's income and determining the total tenant payment for each household. To determine how much the household pays toward housing costs (i.e., rent and tenant-paid utilities) the PHA conducts a thorough examination of

the household's income — including any assets — and calculates an annual and monthly "adjusted" income for the household. The word "adjusted" refers to allowances and deductions permitted by HUD that are subtracted from gross income. It does not mean "take home pay" for people who are employed.

The allowances and deductions that make up "adjustments" to gross income include:

1. \$480 per year allowance for each dependent — A dependent is defined as a household member other than the household head or spouse who is:

- 17 years of age or younger;
- Elderly (age 62 and older); or
- A person with a disability.

Neither the head of the household nor the spouse can ever be considered a dependent.

2. \$400 per year allowance for a disabled or elderly household — This allowance is limited to \$400 per household, and not \$400 for each disabled member of the household.

3. Childcare allowance — This allowance is for work-related childcare expenses and cannot exceed the amount earned by the person who goes to work.

4. Disability assistance allowance — This adjustment is only for equipment and expenses (e.g., wheelchairs, attendant to care for person with disability so another household member can work, etc.) that permits someone to work. These expenses cannot be deducted unless someone in the household — either the person with the disability or someone who would otherwise provide care for that person — is enabled to work as a result of the expense. In addition,

only those expenses that exceed three percent of income can be deducted.

- 5. Medical expenses** — Anticipated medical expenses that, in combination with any disability allowance granted in #4 above, exceed three percent of income, can be deducted.



There are many restrictions to the disability assistance and medical expense deductions. As a result, some people with disabilities may not receive the benefit of these allowances.

Work Incentives and Earned Income Disregard

HUD's Earned Income Disregard is a work incentive for people with disabilities. This Section 8 rule allows PHAs to "disregard" the increased income obtained by an individual with a disability who goes to work. This disregard is important in the Section 8



program because an increase in income usually means an increase in the household's total tenant payment.

Disregarding this increase for a period of time gives a person with a disability a greater incentive to earn income from employment without having to pay an increase in rent.

The disregard is available for the first two years of employment. During a cumulative period of 12 months after going to work, all earned income from employment is disregarded for the purposes of calculating annual income and the total tenant payment. During the second cumulative 12-month period, only 50 percent of earned income is counted as annual income.

To qualify for this Section 8 benefit, an adult member of the household must:

- Be a person with a disability; and
- Be previously unemployed for one or more years prior to employment.

In addition to income from regular employment, income from any economic self-sufficiency or other job training program qualifies to be disregarded.

Chapter 5 Summary

- In the Section 8 program, both the Section 8 household and the PHA pay a portion of monthly housing costs (including rent to the owner as well as any tenant-paid utilities).
- The household's share of the rent is called the "total tenant payment" and is based on the household's income. Under the new Section 8 voucher program, there is both a minimum and maximum total tenant payment. For the minimum tenant payment, most Section 8 households contribute 30 percent of monthly adjusted household income toward housing costs. The maximum total tenant payment is set at 40 percent of monthly adjusted income.
- This 40 percent maximum is referred to as the Maximum Initial Rent Burden and is applicable in two specific situations: 1) when the Section 8 household first enters the program and leases a unit; and 2) any time a Section 8 household moves to a new unit.
- Under the Section 8 rules, the PHA establishes Section 8 "payment standards" that are based on the number of bedrooms in the unit to be rented.

Chapter 5 Summary... continued

These payment standards are used to calculate the maximum amount of the rent subsidy the PHA will pay for units rented through the Section 8 program. A PHA has the discretion to set Section 8 payment standards between 90 and 110 percent of the FMR for that area.

- The maximum PHA rent subsidy is the highest amount of Section 8 rent subsidy that the PHA is authorized by HUD to pay to the owner. The maximum Section 8 rent subsidy is calculated by subtracting the minimum total tenant payment from the PHA payment standard. However, the actual PHA rent subsidy paid will be based on the cost of the unit selected by the Section 8 household.
- If the unit selected by the Section 8 household costs more than the applicable PHA payment standard, then the household will be required to pay more of their income toward housing costs.
- In order to factor in the cost of tenant-paid utilities into total monthly housing costs, the Section 8 program uses the concept of a PHA Section 8 Utility Allowance. The Utility Allowance helps the PHA estimate the total monthly housing cost of a unit by factoring in the average cost of any tenant-paid utilities and adding that allowance to the rent charged by the owner.
- Under certain circumstances, PHAs can use "exception" or higher payment standards — meaning higher than their existing payment standard — for the Section 8 program.
- The amount of rental assistance a PHA gives a household also depends on the household size and composition. These characteristics dictate the voucher "size" (i.e., one-bedroom, two-bedroom, etc.) appropriate for the household.
- A Section 8 household may also include a live-in aide who actually resides in the unit.
- To determine how much the household pays toward housing costs, the PHA conducts a thorough examination of the household's income — including any assets — and calculates an annual "adjusted" income for the household.
- The Section 8 Earned Income Disregard rule is a work incentive for people with disabilities. This rule allows PHAs to "disregard" the increased income obtained by an individual with a disability who goes to work.

¹ In some instances, the tenant contribution is based on 10 percent of gross income or the PHA minimum rent.

² In the past, as part of the Section 8 certificate program, the amount of rental subsidy was based solely on the difference between the Fair Market Rent and the total housing costs.

³ Current HUD FMRs can be found at www.huduser.org/datasets/fmr.html

⁴ Utilities paid by the owner are never considered when calculating Section 8 Utility Allowance.

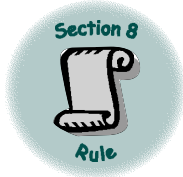
Chapter 6

Getting A Section 8 Voucher And Obtaining Housing

Getting a voucher and searching for housing that meets Section 8 guidelines is a very important step in the Section 8 process. Many households have a difficult time locating suitable housing within PHA guidelines. Some have the unfortunate experience of having their voucher “expire” without finding a unit that can be approved by the PHA. Some barriers to the housing search process include:

- Finding an owner willing to accept a Section 8 voucher.
- Finding a unit of good quality that passes a Section 8 housing quality standards inspection.
- Finding a unit with rent (plus any tenant-paid utilities) consistent with the PHA’s guidelines described in Chapter 5.

Because of these barriers, some PHAs are not able to use all their vouchers. New “use it or lose it” HUD rules issued in 2001 allow HUD to recapture unused vouchers and redistribute them to PHAs with higher voucher “utilization” rates. This new rule may jeopardize thousands of vouchers for people with disabilities. Now more than ever, it is important that people with disabilities receive the support they need to use their Section 8 vouchers successfully.



Section 8 Briefing

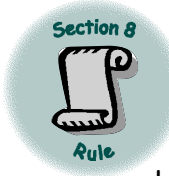
Another challenging aspect of the Section 8 process is the Section 8 briefing session. After a household has reached the top of the waiting list, a Section 8 briefing is scheduled. At the briefing, the voucher is “issued” to the household and the rules and procedures about leasing units and participating in the Section 8 program are explained.

Briefing sessions are often conducted as group sessions with 25 or more households all receiving their vouchers at the same time. Needless to say, these sessions can be very confusing.

According to HUD rules, topics that must be covered during a Section 8 briefing include:

- A description of the program;
- Discrimination and fair housing issues;
- Household responsibilities;
- The PHA’s payment standard and Utility Allowance policies; and
- Searching for housing that meets the Section 8 rules.

In some communities, PHAs provide very comprehensive briefing sessions. Unfortunately, there are also some



PHAs that view the briefing session as one more bureaucratic requirement. In the best of cases, the briefing session is another complicated government process that a household must navigate through.

People with disabilities can ask to have a friend, family member, advocate, or service provider accompany them to the briefing. Ideally, the person who attends the briefing session also helps with the housing search process. Allowing for this additional support at the briefing is an example of a reasonable accommodation that a PHA can make for a person with a disability.

It is important not to miss the Section 8 briefing since some PHAs have rigid policies regarding missed appointments. For example, a PHA may only allow an applicant to miss one briefing session before returning the application to the bottom of the waiting list — or worse — discarding the application all together. It is important for people with disabilities and their advocates to plan ahead and to notify the PHA promptly if a briefing session needs to be rescheduled.

The Housing Search Process

Once the voucher is issued, the household must find suitable rental housing in the community. A PHA must give the household at least 60 days to find a unit that meets the Section 8 program guidelines.

HUD rules do **not** mandate a maximum search time. Rather, PHAs have the flexibility to decide what the Section 8 housing search time should be. Most PHAs establish a policy that allows a search time of between 60 and 120 days.

Many PHAs grant housing search times that are longer than 60 days, especially in those housing markets where it is especially hard to locate affordable rental housing that meets Section 8 requirements. If a unit is not found during the established housing search time period, a PHA can grant an extension.

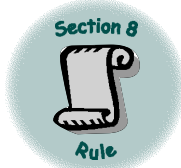
A person with a disability can request an extension to the housing search time (even beyond 120 days) as a reasonable accommodation. This extension will allow the household to keep looking for a unit. Eventually, if a unit is not found, the household's voucher will expire and subsequently be issued to another household from the waiting list.



Barriers to Finding a Unit

Searching for housing with a Section 8 voucher is not an easy task. In some communities, there is very little rental housing available, or there may be very few vacant units that meet Section 8 requirements. Unfortunately, in most states, owners of rental housing are not required to accept Section 8 vouchers.

For some people, a poor housing history or credit problems may also pose a significant barrier, even if the owner has no objections to the Section 8 voucher program. Households that are able to locate an acceptable unit and a willing owner still must come up with the funds to cover the security and utility deposits (if required); moving expenses; etc. These problems may also prevent a household from using their voucher successfully. Some PHAs try to help with the housing search process by providing lists of



interested owners, a resource room with phones and vacancy listings, etc. However, the majority of PHAs do not provide intensive assistance with housing search.

Exception Payment Standards for People with Disabilities

On a case-by-case basis, a PHA, or HUD, may approve a higher payment standard for a person with a disability as a **reasonable accommodation**. A higher payment standard may be needed by a person with a disability in order to locate suitable housing, including barrier-free or accessible housing; housing that is close to public transportation or supportive services; or for other important reasons.



Some PHAs aren't aware that they can ask HUD for an exception payment standard as a reasonable accommodation for a person with a disability.

A PHA may approve an exception payment standard for a person with a disability up to 110 percent of the FMR **without** obtaining HUD approval. Requests for exception payment standards above 110 percent must be submitted by the PHA to HUD, unless the PHA already has HUD approval for an exception payment standard for the entire geographic area, as mentioned in Chapter 5.

For example, a PHA with a payment standard for their Section 8 program equal to 100 percent of the FMR may

approve a payment standard of 110 percent of the FMR on a case-by-case basis for a person with a disability. That same PHA may submit a request to HUD to approve a payment standard **above 110 percent**, if needed, as a reasonable accommodation for a person with a disability. In some instances, HUD has approved a payment standard higher than 120 percent of the FMR as a reasonable accommodation for a person with a disability.

Some PHAs aren't aware that they can ask HUD for an exception payment standard as a reasonable accommodation for a person with a disability. Others may want to avoid the necessary paperwork. However, it is clear that the payment standard has a direct impact on a Section 8 household's ability to locate safe, decent, and affordable housing of its choice in the community and that these exceptions are important to people with disabilities trying to use the Section 8 program.

By working with the PHA to encourage higher payment standards for people with disabilities, the disability community will help Section 8 households locate housing that meets their unique needs. For example, often units that are barrier-free or otherwise handicapped accessible have higher rents than other units, and may not be available to people with disabilities using Section 8 vouchers unless the payment standard is increased.

As a reasonable accommodation, a PHA may approve a higher rent for an owner who is making accessibility modifications to a unit to meet a Section 8 household's needs.



Help From Disability Organizations

Many service providers and advocacy organizations in the disability community have been successful at partnering with PHAs to help people with disabilities use Section 8 vouchers. As part of these partnerships, disability organizations may provide assistance with the housing search process, including locating apartments, negotiating rents with owners, and requesting exception rents from the PHA. Some organizations also provide funds to cover the costs associated with moving, such as security deposits, first/last month's rent, realtor fees, moving vans, utility deposits, etc. This type of assistance can greatly improve the likelihood that the household will be successful in locating appropriate housing and moving in.

In many communities, there may also be non-profit organizations that own or operate housing. These organizations may be "friendly" owners and be willing to accept a Section 8 voucher. The disability community should determine if there are any non-profit owners in the community. The local housing or community development department may be a good resource for this type of information.

Accessible Housing

People with physical disabilities may have a particularly difficult time locating accessible housing that is both available and affordable within the Section 8 payment standard guidelines. HUD rules require that PHAs be able to provide assistance locating accessible units. However, in practice this

"assistance" is often just a listing of a handful of accessible units in the community — which may not be vacant. Agencies that provide services to people with physical disabilities — such as local Independent Living Centers¹ — may be a valuable resource for locating housing with accessibility features.

It is important to note that as a result of federal fair housing laws, more new units of housing that are easily adaptable to meet the needs of people with disabilities are being developed each year. These laws require that all newly constructed or

Assistance from disability organizations can greatly improve the likelihood that the voucher holder will be successful in locating appropriate housing and moving in.

For example, agencies that provide services to people with physical disabilities — such as local Independent Living Centers — may be a valuable resource for locating housing with accessibility features.



substantially rehabilitated rental housing with four or more units first occupied on or after March 13, 1991 be designed to include:

- At least one building entrance on an accessible route;
- Public and common use areas that are readily accessible and useable by people with disabilities;
- Doorways into and throughout the building wide enough to allow passage by someone in a wheelchair; and
- Dwelling units with:
 - Accessible routes into and through the units;
 - Light switches, outlets, and thermostats in accessible locations;

- Reinforcement in the bathroom walls to allow later installation of grab bars; and
- Kitchens and bathrooms in which a person with a wheelchair can maneuver.

Accessible Housing and Low-Income Housing Tax Credit Properties

In communities across the nation, there are thousands of properties financed with the federal Low-Income Housing Tax Credits. As a result of this tax credit financing, these properties can be a good source of housing for people with disabilities — especially people with physical disabilities — for two reasons:

1. According to federal law, owners of tax credit properties are required to accept Section 8 vouchers in their units. Unfortunately, not all owners are aware of this requirement and may not understand their obligation to accept vouchers.
2. Tax credit properties are a good source of accessible housing. These properties are required to have a certain percentage of their units be accessible to people with physical disabilities.

PHAs should be encouraged to keep track of tax credit financed rental housing in their jurisdiction, and to consider granting exception rents for these units, if necessary, in order to make them available to households with Section 8 vouchers who need accessible housing.

For a list of properties financed with tax credits, contact the state agency that allocates federal tax credits for

rental housing (e.g., state housing finance agency, state department of community affairs, etc.)

Some states and localities have developed accessible housing registries that track accessible housing units — including those developed with Low-Income Housing Tax Credits — and whether these units are vacant. These registries have been invaluable tools for helping Section 8 households locate accessible housing units and use their vouchers. Appendix C includes an example of an accessible housing registry developed in Massachusetts.

Leasing in Place

Some households that receive Section 8 vouchers are already living in rental housing that meets their needs and may be able to “lease in place” using the voucher. To lease in place the following must occur:

- The unit must pass a Housing Quality Standards inspection (see page 53);
- The unit must meet Section 8 payment standard requirements;
- The owner must agree to participate in the Section 8 program and accept Section 8 payments from the PHA; and
- Both parties must sign a new Section 8 lease.

As mentioned above, many non-profit organizations own rental housing.

Some tenants of this housing may be eligible for the Section 8 program and may be able to use Section 8 vouchers in their current housing units. This is another reason to pursue collaborations with non-profit agencies.



Special Housing Types

PHAS may allow Section 8 vouchers to be used in certain living situations referred to by HUD as "special housing types." Some of these special housing types include:

- Single Room Occupancy units;
- Group homes;
- Congregate housing; and
- Shared housing.

Many PHAs are not very knowledgeable about special housing types and have not established Section 8 policies that include these housing settings. This is unfortunate because some individuals with disabilities currently reside in these types of housing situations and/or may prefer to share housing rather than live alone.

According to HUD rules, PHAs **must** permit the use of any special housing type, if needed, as a reasonable accommodation so that the Section 8 program is readily accessible to and useable by people with disabilities.

PHAs that might consider allowing vouchers to be used in these special housing types may not be familiar with the intricacies of various shared housing models. For example, in some group homes, the cost of food is included in the "rent" but could not be included for Section 8 purposes. It is important for PHAs and disability organizations to work together to determine the tenant's share of the rent and calculate the appropriate subsidy amount.

Single Room Occupancy Units

A Single Room Occupancy (SRO) is a unit within a building that may have shared kitchen and bathroom facilities. For Section 8 purposes, SROs are occupied only by one individual

and are usually found in rooming houses or renovated hotels.

According to the Section 8 special housing type rules, a PHA can allow a Section 8 household to use a voucher to rent a SRO unit if it is of good quality and meets Section 8 affordability standards. For SRO housing, PHAs are instructed to use a payment standard equal to 75 percent of the studio/efficiency payment standard.

In many cities across the nation, there are people with disabilities currently residing in SRO units who are eligible for the Section 8

program. Although not all SRO properties will be able to meet Section 8 guidelines, PHAs should permit Section 8 vouchers to be used in

approvable SRO housing as a reasonable accommodation for people with disabilities.

Group Homes

A Section 8 voucher may also be used in a group home. According to HUD, for the purposes of the Section 8 program, a group home must be "licensed, certified, or otherwise approved by the State, [as a] facility for elderly persons or persons with disabilities."

According to HUD rules — with the exception of live-in aides — all residents of the group home (whether receiving Section 8 assistance or not) must be elderly or people with disabilities, and must not require continual medical or nursing care.² Also, no more than 12 people total (including any live-in aides) may reside in a group home.

PHAs rarely allow Section 8 participants to use vouchers in group homes. This is unfortunate because residents of group homes may want to live in more independent housing and need a Section 8 subsidy to achieve this personal goal. Using the Section 8 voucher initially in



the group home gives a person with a disability as much time as they need to find a rental unit in the community, as well as time to deal with other transition issues (e.g., obtaining furniture, arranging for community support services if desired, etc.)

One reason why PHAs may be reluctant to use Section 8 vouchers in group homes is that it can be bureaucratically confusing. PHAs are often unsure whether each person in the group home must have their own voucher or whether one voucher can be used for the entire group home. Both of these approaches are actually permissible according to HUD's rules.

It is important that the disability community work with PHAs to educate them about the need for housing assistance among group home residents. PHAs cannot discriminate against people with disabilities by refusing to allow Section 8 vouchers to be used in group homes. When using this Section 8 special housing type, both the PHA and the owner must also permit the voucher holder to move to more independent housing with the voucher, if they so desire.



Congregate Housing

Congregate housing is also considered a special housing type under the Section 8 rules. HUD defines "congregate housing" as shared housing arrangements for people with disabilities and/or elderly people (including any needed live-in aides). Unlike group homes, there is no requirement that congregate housing be licensed or certified in any way. Unlicensed group homes or board and cares homes are typical examples of congregate housing.

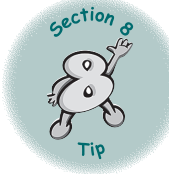
Shared Housing

In addition to the housing situations described above, PHAs may also allow

Section 8 participants to have roommates in their housing — referred to as "shared housing" — including a live-in aide, another person with a Section 8 voucher, or a person without any rental assistance. For example, a person with a disability could receive a voucher and share a two-bedroom apartment with a roommate who does not have a voucher. Other examples of shared housing include:

- Two people with separate vouchers sharing a two bedroom unit.
- Three unrelated people with disabilities sharing one voucher.

As with the group home situation, the Section 8 paperwork involved with shared housing can be cumbersome and often acts as a barrier to PHAs establishing a shared housing policy. However, as with all the Section 8 special housing types, a person with a disability can request to use a Section 8 voucher in a shared housing situation as a reasonable accommodation. In the shared housing situation, the PHA calculates a pro-rata portion of the housing costs to determine the actual rent for the Section 8 voucher holder and uses this figure when determining the subsidy amount to be paid by the PHA.



Renting to Relatives

In general, a PHA must not approve a unit for lease under the Section 8 program if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the Section 8 household. However, this regulation can be waived as a reasonable accommodation for a person with a disability.



Request for Tenancy Approval

Once a unit has been located, the Section 8 voucher holder submits a "Request for Tenancy Approval" form to the PHA. This form should be distributed during the Section 8 briefing session. The submission of the Request for Tenancy Approval form "freezes" the housing search "clock" and signals the PHA to:

- Start the inspection process;
- Check to make sure rent is reasonable (discussed below);
- Verify that rent is acceptable given Section 8 payment standard guidelines; and
- Determine the subsidy amount.

If the housing unit fails to meet Section 8 requirements, the housing search clock will be restarted and the household resumes its search for housing that can meet the Section 8 guidelines.

Rent Reasonableness

The PHA is responsible for ensuring that the rent charged by the owner for the unit is reasonable when compared to similar unsubsidized units in the community, taking into account the location, size, type, quality, amenities, facilities, management, and maintenance of each unit. Also, a rent is reasonable if it is not in excess of rents currently being charged by the same owner for comparable unassisted units. The rent reasonableness process is designed to ensure that owners of rental housing do not "overcharge" for Section 8 units.

Rent reasonableness is very important to PHAs that must deal

with fluctuating rental housing costs. Consequently, PHAs often spend a substantial amount of time gathering rent data for the community and verifying that Section 8 rents are reasonable in comparison to unassisted units. Each PHA must develop a procedure for making rent reasonableness determinations and include it in its Section 8 Administrative Plan.

It is important to note that, for rent reasonableness, Section 8 units must be compared to similar units in the community. This means that the rents of housing units with special accessibility features must be compared to those of unassisted units in the community with **similar features**.

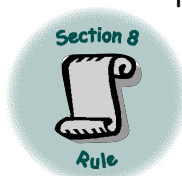
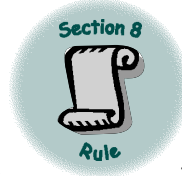


Housing Quality Standards Inspection

Housing leased under the Section 8 program must meet HUD's Housing Quality Standards (HQS), and must be physically inspected by the PHA. The inspection is required to ensure that housing leased with federal funds is maintained in decent and safe condition.

Before any Section 8 assistance can be provided on behalf of a household, the PHA must physically inspect each unit to ensure that the unit meets HUD's HQS. If any repairs are needed, the owner must complete them before the Section 8 household can rent the unit. Assistance cannot be provided to units that fail to meet HQS requirements.

As mentioned earlier, when a household locates a suitable unit, a Request for Tenancy Approval is submitted to the PHA. The PHA will then begin the HQS inspection and rent calculation process. PHAs are required to inspect



the unit promptly to ensure that the owner does not rent it to another household while waiting for the PHA Section 8 inspection. If repairs are required, the units must be reinspected to ensure the repairs have been completed.

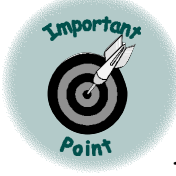
Conducting HQS inspections promptly and effectively can “make or break” the PHA’s reputation with local owners of rental housing. Some PHAs can take 15 days to complete an inspection, a long time for an owner to “hold” a unit. Disability organizations can learn to work with a PHA’s inspection policies, encourage the PHA to conduct timely inspections, and — in some instances — actually assist in the inspection process. HUD requires PHAs to take the HQS inspection requirements very seriously, and can penalize PHAs financially for units in the Section 8 program that fail to meet HUD inspection standards.



Fees for Leasing Vouchers

A little known fact about the Section 8 program is that a PHA doesn’t actually get paid (i.e., receive administrative money from HUD) unless a voucher is actually being used to rent housing in the community. A PHA receives no compensation from HUD for issuing vouchers; only a monthly fee for vouchers that are leased. This monthly “administrative fee” is determined by HUD and is available online at www.huduser.org/datasets/sec8.html.

PHAs can also receive a “hard to house” fee of \$75 when a disabled household leases a housing unit — other than the unit they are currently residing in — using a Section 8 voucher.



This fee, which some PHAs may not be aware of, is intended to compensate the PHA for what HUD acknowledges as the extra effort that PHAs should make to help people with disabilities use their vouchers.

Signing a Lease and Moving In

Once the unit is found to meet all Section 8 requirements, the household signs a lease with the owner. The lease must also meet Section 8 guidelines.

The household may be required to pay a security deposit to the owner. This security deposit is not included as

PHAs do not receive any administrative money until a Section 8 voucher is leased in a housing unit in the community.



part of the Section 8 rental assistance and is usually not provided by the PHA.

In addition to the lease between the owner and the household, the Section 8 rules require that owners enter into a written contract with the PHA — known as a Housing Assistance Payment (HAP) contract. Unfortunately, some owners are unwilling to agree to these federal requirements, and are reluctant to rent to households using Section 8 vouchers. In a few states and some localities (such as the State of Massachusetts; Montgomery County, Maryland; and the District of Columbia) there are laws that protect households trying to rent housing using Section 8 vouchers. In most states and localities, however, there is no way to force an owner to participate in the Section 8 program.

Once a unit is leased, the owner usually receives two monthly payments:



Section 8



Rule

one from the PHA and one from the Section 8 household. The PHA is responsible for paying the monthly subsidy amount to the owner in a timely manner. This payment procedure must be outlined in the PHA's Section 8 Administrative Plan and include a policy regarding the preparation of payments to owners prior to the first of the month.

In addition to the Section 8 subsidy from the PHA, in most instances, the owner also receives a payment from the Section 8 household for their share of the rent.³ This two payment system — in addition to the PHA

paperwork — is often cited as a barrier to more owners accepting Section 8 vouchers. However, this system also

Section 8



Tip

guarantees that the owner automatically receives the Section 8 rent subsidy from the PHA each month. This subsidy guarantee is a program feature that can help to negotiate with owners, especially if there is a concern about a Section 8 household's past credit history. Since the PHA guarantees some of the rent to the owner, a household's credit history should be considered less of a barrier.

Chapter 6 Summary

- When a household reaches the top of the waiting list, a Section 8 briefing is scheduled. At this briefing, the household should receive information about the Section 8 program and the responsibilities of being a Section 8 participant. During this briefing the household is "issued" a Section 8 voucher.
- A PHA must give a Section 8 voucher holder at least 60 days to find a housing unit that meets Section 8 guidelines. PHAs can grant extensions to this 60-day period. There is no maximum search time established by HUD.
- On a case-by case-basis, a PHA, or HUD, may approve a higher payment standard for a person with a disability as a reasonable accommodation.
- Many service providers and advocacy organizations within the disability community have been successful partnering with PHAs to help people with disabilities use Section 8 vouchers. Some disability organizations have access to staff and/or funding to assist with locating a unit; negotiating with owners; providing security deposits or other move-in expenses; etc.
- PHAs must be able to provide assistance in locating units with accessibility features. Tax credit properties can be a good source of accessible housing units.
- Some people are already living in rental housing and may be able to use their Section 8 voucher to "lease in place."
- PHAs must allow Section 8 vouchers to be used in "special housing types" including SRO units, group homes, congregate housing, and shared housing — as a reasonable accommodation for a person with a disability.
- Housing units leased through the Section 8 program must have rents that are reasonable when compared to similar unassisted units in the community. This rule is referred to as "rent reasonableness."
- All housing leased through the Section 8 program must meet HUD's Housing Quality Standards and must be physically inspected by the PHA.

¹ For more information about Independent Living Centers go to www.ncil.org

² Supportive services and personal care services provided in a group home are not considered "continued medical or nursing care" services.

³ For some Section 8 households with very low total tenant payments and high Utility Allowances, there is no tenant payment to the owner.

Chapter 7

Keeping A Section 8 Voucher

In the Section 8 program, all parties have ongoing responsibilities, including:

- The Section 8 household;
- The owner of the rental housing; and
- The PHA.

Understanding these obligations can help prevent problems between owners and tenants and ensure that people with disabilities keep their vouchers as long as they continue to need a rent subsidy. This chapter will provide an overview of these annual and ongoing obligations.

Responsibilities During Tenancy

The responsibilities of the Section 8 household do not end when a unit is found and a lease is signed. Like other government assistance programs, Section 8 households are responsible for continuing to meet specific obligations and reporting requirements as long as they are receiving housing assistance. These obligations include:

- On an annual basis, recertifying income and household composition so that the household can continue to receive Section 8 assistance and a new total tenant payment and subsidy can be calculated;
- Notifying the PHA promptly of certain changes in income or

household composition. Failure to notify the PHA about these changes could result in termination of Section 8 assistance; and

- On at least an annual basis, allowing the rental unit to be reinspected to ensure that it continues to be of good quality.

The household is also responsible for meeting all obligations included in the lease with the owner. Common lease requirements include paying the rent on time, maintaining the unit in good condition, and not disturbing other tenants or neighbors.

Reverifying Household Income

On at least an annual basis, the Section 8 household must meet with PHA staff to reverify the household's income and family composition. This requirement is referred to as "recertification" and is a way of ensuring that the household is still eligible and that the rent and subsidy amount are accurate.

At the recertification, if the household's income increases, then their share of rent increases and the subsidy amount decreases. Conversely, if the household's income decreases, their rent share also decreases and the

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Rule

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Rule

PHA subsidy amount increases. The PHA is required to give at least 30 days notice of any change in the household's total tenant payment.

As with any other Section 8 responsibility, the PHA may establish a policy regarding how many recertification appointments (if any) can be missed. HUD permits PHAs to terminate Section 8 assistance if a household misses a recertification appointment.

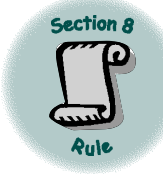
If there is a change in the household's income during the year (e.g., due to sudden unemployment) the household should notify the PHA in a timely manner so that the subsidy amount can be changed. This process is referred to as an "interim recertification."



As a reasonable accommodation, people with disabilities can request changes in PHA recertification policies, such as: allowing more time for the recertification process, including rescheduling appointments; providing home visits to conduct recertifications; etc.

Changes in Household Composition

During any income recertification process, the PHA must also re-verify the household's size and composition. These changes are important since they also can affect the amount of Section 8 subsidy paid by the PHA. If there is a change in the household's composition — as a result of a death or birth, for example — the household is responsible for notifying the PHA as soon as possible. Many PHAs set a short time frame —



often 3-5 days — to report any household composition changes.

Additional Household Members

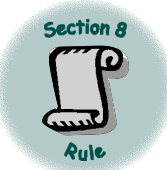
Although visitors or weekend guests do not have to be reported, any new residents of the unit — even if temporary — must be reported to the PHA. Temporary residents are considered to be benefiting from the Section 8 program while they are residing with the Section 8 household.

The income of any temporary resident must be reported to the PHA so that a new subsidy amount can be calculated. Any new member of the household, even if temporary, may also be screened by the PHA for prior tenant history, criminal background, or other PHA screening criteria.



HQS Reinspection

Similar to the income recertification, at least once a year the PHA is required to reinspect all housing units subsidized with Section 8 rental assistance. This is to ensure that the unit is still of good quality and meets HUD's HQS guidelines. A unit may be reinspected more frequently if requested by the owner or the Section 8 household, or as part of a PHA's own internal audit of its Section 8 program.



Owner Responsibilities

Owners receiving Section 8 payments from a PHA have responsibilities too. The role of the owner in the Section 8 program is to provide decent, safe, and sanitary

housing at a reasonable rent. To receive Section 8 rental assistance, the housing unit must pass a HQS inspection and be maintained up to these standards as long as the owner receives rental assistance payments from the PHA. In addition, the owner is expected to provide the services (such as garbage removal, snow shoveling, etc.) agreed to as part of the lease signed with the tenant and the contract signed with the PHA.

Rent Increases

Usually, owners participating in the Section 8 program will seek to increase rents in order to cover increased operating costs. According to Section 8 regulations, rent increases are allowable, and may result in either an increase in subsidy amount, an increase in the tenant's share of the rent, or both, depending on the circumstances.

- **Increase in the subsidy amount:**

Once a year, in anticipation of the anniversary date of the HAP contract, owners may request an increase in the Section 8 subsidy from the PHA. If approved by the PHA, this increase is calculated by using a HUD-determined formula. If the increase requested by the owner is unreasonable based on the housing market conditions, the PHA must determine that the unit no longer meets the "rent reasonableness" standards of the program (see Chapter 6) and may not approve the request.

- **Increase in household's total tenant payment:** Sometimes, the owner's rent increase may result in the household paying more than 40 percent of its adjusted



income toward housing costs. As mentioned in Chapter 5, Section 8 households may not pay more than 40 percent of their income toward housing costs, **except** if they are currently receiving Section 8 assistance in a housing unit and the PHA approves a subsequent rent increase by the owner. This rule is intended to give the household the choice of (1) moving to a new unit that meets Section 8 guidelines; or (2) remaining in their current unit and paying more than 40 percent of monthly income toward housing costs. Under no circumstances can an owner demand additional rent from the tenant without the PHA's approval.

Moving with a Voucher

A household's housing needs may change over time with changes in household size, job location, or other reasons. The Section 8 program is designed to allow households to move to another PHA's jurisdiction without losing the voucher.

This rule in the Section 8 program is referred to as "portability." Simply stated, portability means that a Section 8 household may use their voucher to lease a unit in any other state or community in the country, as long as there is a PHA administering the program in that locality.

However, a PHA may establish a policy that requires a new Section 8 household that resided outside of the PHA's jurisdiction when the voucher was first issued to live within the PHA's jurisdiction for a specific amount of time, not to exceed one year. After that time period, the household may take their voucher and



move outside the PHA's jurisdiction as long as the household:

- 1 Notifies the PHA ahead of time;
- 2 Legally terminates its existing lease with the owner; and
- 3 Can find housing approvable under Section 8 program guidelines elsewhere.

People with disabilities who need to move out of the PHA's jurisdiction because of a disability-related issue may request that this one-year waiting period be waived as a reasonable accommodation. For example, a person with mental illness may be allowed to move from one PHA jurisdiction to another within the first year of Section 8 assistance if the move is necessary to improve access to community-based mental health services.

Although it is permissible to move to other communities or states using a Section 8 voucher, it can be an administratively burdensome task for the PHA. When a household moves with a voucher, the original PHA and the PHA in the new jurisdiction



Voluntary and Involuntary Terminations

According to HUD's rules, Section 8 households remain eligible for assistance until 30 percent of the household's income equals the rent (plus any tenant-paid utilities) for the unit — in other words, until the total tenant payment equals the monthly housing cost. At that point, the household no longer needs the housing subsidy.

A PHA's policy for terminating households — either voluntarily or involuntarily — from the Section 8 program must be described in its Section 8 Administrative Plan. In addition, this policy must be explained to all households at the initial Section 8 briefing.

There are several circumstances that could result in a household being involuntarily terminated from the Section 8 program. Termination of Section 8 rental assistance may occur:

1. If the household violates the Section 8 family obligations (i.e., fails to report increases in income or changes in family size).
2. If any member of the household commits drug-related or violent criminal activity.
3. If any member of the household commits fraud, bribery, or any other corrupt criminal act in connection with any federal housing program.
4. If the household owes rent or other amounts to the PHA and refuses to enter into a repayment agreement or is not complying with the terms of an existing repayment agreement.



A Section 8 household may use their voucher to lease a unit in any other state or community in the country, as long as there is a PHA administering the program in that locality.

(referred to as the "receiving" PHA) must determine which PHA will be responsible for making Section 8 payments to the owner and which PHA will receive a fee from HUD to administer this voucher. These arrangements are worked out between the two PHAs and should not involve the Section 8 household.

5. If the household breaches an agreement with another PHA to pay amounts owed to that PHA.
6. If any member of the household engages in or threatens abusive or violent behavior toward PHA personnel or a property owner.

Appeals of Terminations

As with the decisions regarding eligibility discussed in Chapter 4, PHAs must also establish a process for allowing Section 8 households to appeal decisions made by the PHA regarding termination of Section 8 assistance. This appeals process must be described in the Section 8

Administrative Plan and must at least involve:

- A written statement to the Section 8 household of the termination decision, including an explanation of the basis for the PHA's decision and a notification of the household's right to request an informal hearing on the decision (and the deadline for requesting such a hearing).
- The opportunity for the household to examine — before the PHA hearing — any PHA documents directly relevant to the hearing.
- The appointment of an official Hearing Officer to conduct the informal hearing. This person is

designated by the PHA and may be any person other than the one who approved the decision under review or a subordinate of this person.

As a reasonable accommodation for a person with disabilities, a PHA can reinstate a voucher that was terminated for cause due to mitigating circumstances.



During the hearing, both the PHA and the household are allowed to present any evidence that may be relevant and to question any designated witnesses. The household may also bring legal representation to this hearing — such as a lawyer or other representative — at its own expense.

Continuation of Section 8 Funding from Congress

In recent years, there has been much discussion about “expiring” Section 8 contracts and the potential impact on program participants. Currently, Congress is renewing PHA's Section 8 contracts on a year-to-year basis. Since the program began in 1975, Congress has always renewed these voucher contracts, and no Section 8 household has ever been terminated from the program because of a lack of funding.



Chapter 7 Summary

- A Section 8 household has certain obligations during tenancy, including re-verifying household income and composition on an annual basis; notifying the PHA of any changes in income or composition during the tenancy; and at least annually allowing the rental unit to be reinspected.
- It is important that reinspection or recertification appointments are not missed. Section 8 rental assistance can be terminated as a result of missed appointments.
- Owners participating in the Section 8 program are required to keep housing units in good condition.
- Section 8 households can use their vouchers to rent housing in any community in the nation. A PHA can establish a policy that non-resident Section 8 applicants must live within the PHA's jurisdiction for a specified amount of time (not to exceed one year). At the end of that time, the Section 8 household can move to any other community in the country.
- All Section 8 households have the right to appeal PHA decisions regarding terminations. Make sure to inquire about the PHA's policy regarding appeals.
- Currently, Congress is renewing PHA's Section 8 contracts on a year-to-year basis. However, thus far, Congress has always renewed these voucher contracts, and no Section 8 household has ever been terminated from the program because of a lack of funding.

Chapter 8

Reasonable Accommodation And Reasonable Modification

Although there are many features of the Section 8 program that help people with disabilities, there are also occasions when Section 8 policies need to be changed to ensure that people with disabilities can benefit from the program. Federal fair housing laws — especially the reasonable accommodation provision of Section 504 — allow people with disabilities to ask for these changes and obligate PHAs to make modifications to their policies as long as these changes are reasonable. This chapter provides an overview of these laws, and a description of reasonable accommodation and reasonable modification. It also includes a listing of common changes to Section 8 rules and policies that can be requested as a reasonable accommodation under Section 504.

Reasonable Accommodation

People with disabilities can have difficulty with the complex and bureaucratic requirements associated with the Section 8 program. For example, people with disabilities may need assistance in completing the application process, searching for housing, and submitting the necessary paperwork. PHAs are required to provide this assistance under the provisions of Section 504 of the Rehabilitation Act of 1973.

Section 504 requires that PHAs provide “reasonable accommodation” in rules, policies, practices, or services to people with disabilities, including those policies in a PHA’s Section 8 program. For example, a person with a disability might request that a PHA conduct a home visit in order to allow him/her to complete a Section 8 application.

Remember, HUD’s definition of “disabled household” requires that the head of the household, co-head, or spouse have a disability. This definition does not include households in which the sole member or members with disabilities are minor children.



Requesting a Reasonable Accommodation

Under Section 504, every Section 8 disabled household has the right to request a reasonable accommodation. In addition, PHAs are required to inform Section 8 households of this right.

This does not mean that the PHA must grant any accommodation requested. The PHA may decide that some requests are “unreasonable” or may suggest a different solution to the problem. PHA’s decisions about what is “reasonable” are sometimes based on previous HUD decisions regarding reasonable accommodation requests.

Examples of some reasonable accommodations have been described throughout this guidebook and are indexed at the end of this chapter.

Regardless of the outcome, PHAs must have a process for households to make reasonable accommodation requests and for determining whether or not they are reasonable. This process must also be described in the Section 8 Administrative Plan. Usually, this policy involves the Section 8 household submitting the request in writing to PHA staff.

It is helpful to understand the Section 8 rules in order to be able to ask for a specific accommodation. The written reasonable accommodation request should clearly describe the accommodation that is being requested, the reason that it is being requested, and include a discussion of how the accommodation is related to the person's disability. It is helpful to attach any written documentation or letters from advocates or providers that may support this request.

Some PHAs may simply respond in writing to the request — especially for those requests that are similar to accommodations that the PHA has granted in the past. Some PHAs may schedule a meeting so that the household can discuss the request and provide any supporting documentation.

Unfortunately, some PHAs are still unsure about their obligations under the federal fair housing laws and may not understand all their responsibilities with respect to reasonable accommodation. They also may not understand exactly how flexible they can be in granting a reasonable accommodation. PHAs are typically concerned that HUD will not agree with decisions they have made and may want HUD to approve every “exception” to the rules.

The disability community may have to educate the PHAs about the requirements of these laws. This guidebook, and other written materials — including HUD regulations and notices, past issues of *Opening Doors* publications (available at www.tacinc.org), etc. — can help explain reasonable accommodation to a PHA. HUD Fair

Housing Staff (from the local HUD Field Office or HUD Headquarters in Washington, DC) are also valuable resources to learn more about federal fair housing laws and reasonable accommodation in the Section 8 program. Using these resources, the PHA can be encouraged to establish clear and helpful reasonable accommodation policies.

Reasonable Modification

Reasonable modification policies under the fair housing laws allow people with disabilities to alter their rental housing units to meet their unique needs. Under reasonable modification, an owner participating in the Section 8 program must allow a person with a disability — at their own expense — to make certain physical modifications to a unit if needed to fully use and enjoy the housing unit. Owners may require that the modifications be completed in a professional manner and be in compliance with all applicable building codes. In addition, owners may require the tenant to restore the unit to its original condition before vacating. Examples of modifications might be installing an entrance ramp or grab bars in the shower.

The owner does not have to allow the tenant to make modifications that the law deems “unreasonable.” An unreasonable modification would be one that is **not** related to the person's

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disability — the installation of a dishwasher, for example.

Whether a modification is reasonable must be evaluated on a case-by-case basis guided by previous HUD decisions and decisions made in federal court. However, federal fair housing laws make it illegal for owners to refuse to permit tenants with disabilities to make reasonable modifications to their housing if the tenant is willing to pay for the changes.



In the Section 8 program, owners are generally not required to pay for modifications. However, a PHA may approve a higher rent for an owner who is making accessibility modifications to a unit to meet a Section 8 household's needs. By providing a higher rent, the PHA is helping the owner pay for the cost of the modification.

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Index of Common Changes to Section 8 Rules That Can Be Requested as a Reasonable Accommodation

Listed below is an index of examples used in this guidebook of changes to Section 8 policies that PHAs can make as a reasonable accommodation for a person with a disability. Some PHAs may already have these policies as a general rule in their Section 8 program, but many do not. Please refer to the page number to learn more about the specific policy change.

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Chapter 8 Summary

- Federal fair housing laws — particularly Section 504 of the Rehabilitation Act of 1973 — require that PHAs provide reasonable accommodation in their Section 8 policies and procedures if they are needed to help people with disabilities benefit from the Section 8 program. PHAs are required to inform all Section 8 households of their right to request a reasonable accommodation.
- PHAs must have a process for Section 8 households to make reasonable accommodation requests and for determining whether or not these requests are reasonable.
- Unfortunately, some PHAs are still unsure about their obligations under the federal fair housing laws and may not understand all their responsibilities with regards to reasonable accommodation.
- Reasonable modification policies under the fair housing laws require an owner participating in the Section 8 program to allow a person with a disability — at their own expense — to make certain physical modifications to a unit if needed to fully use and enjoy the housing unit.
- In the Section 8 program, owners are generally not required to pay for modifications. However, a PHA may approve a higher rent for an owner who is making accessibility modifications to a unit to meet a Section 8 household's needs.

Chapter 9

Section 8 Project-Based Assistance

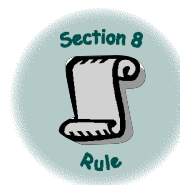
As mentioned in Chapter 1, the Section 8 program can also be used to provide subsidized rents in specific buildings — known as “project-based” rental assistance. This option has been available to PHAs for many years, although recent changes to the Section 8 rules make project-basing much more feasible for PHAs.

While Section 8 tenant-based assistance may continue to be the primary tool to assist people with disabilities to obtain affordable rental housing, it is important for the disability community to also learn how the project-based component can be used. This chapter will provide an overview of the project-based component, including recent rule changes that make the program more desirable for people with disabilities.¹

Project-Based Assistance

The Section 8 rules now allow a PHA to commit a portion of its Section 8 voucher funding to project-based assistance. In other words, project-based assistance means that the voucher is committed or “tied” to one or more units in a specific building for a specific time. Committing the voucher to the property guarantees the owner that Section 8 subsidy funding will be used in the property. The PHA then refers eligible applicants to reside in those units.

The new project-based program was effective on January 16, 2001 — the date that HUD made available its initial guidance on the program rules to PHAs. Through the Section 8 project-based assistance option, a PHA can now designate up to 20 percent of its Section 8 funding to be used in specific rental properties. Both new as well as existing rental projects are eligible to receive project-based rental assistance according to the following stipulations:



- No more than 25 percent of the units in a development may receive project-based vouchers **unless** the assisted units are in single family properties, or are rented to elderly or disabled families, or families receiving supportive services;
- The PHA may contract with the property owner to provide project-based assistance for up to ten years (subject to availability of appropriated funds from Congress); and
- Households residing in units with project-based vouchers may move after one year and receive the next available Section 8 tenant-based voucher, or its equivalent, from the PHA. The PHA will then refer a new applicant to the project-based assisted unit from its existing Section 8 waiting list.

Project-based units are subject to most of the standard rules of the Section 8 tenant-based voucher program. For example, households typically must pay the minimum total tenant payment based on 30 percent of their monthly adjusted income in project-based units. The PHA must also inspect project-based units at least annually.

Creating New Housing with Project-Based Assistance

Project-based assistance can be a valuable resource for creating new affordable housing for people with disabilities, in part because the household is now permitted to obtain a Section 8 voucher and move after one year of occupancy in the project-based unit. Under the old rules, tenant-based vouchers were rarely provided to households living in project-based housing, unless they applied and waited — sometimes many years — to get to the top of the tenant-based voucher waiting list.

Because of modifications in the project-based process, it may also be more feasible for PHAs to combine vouchers with other development financing to create new housing for people with disabilities. For example, project-based assistance could be combined with HUD HOME program funding or Community Development Block Grant funding to acquire and rehabilitate a rental housing property, and lease the units to households with both moderate and low incomes.

Non-profit housing organizations assisting people with disabilities may

find that the project-based voucher program is a valuable resource to expand the supply of affordable rental housing that is not subject to the fluctuations of the private rental housing market and the willingness of private owners to accept Section 8 tenant-based vouchers.



Waiting Lists and Other Policies

PHAs maintain the waiting list for all project-based units. A PHA may use its single Section 8 waiting list for both its tenant-based and project-based voucher programs, or may use a separate waiting list for the project-based units, as long as all applicants on the

tenant-based waiting list are able to apply for the project-based units. This policy gives applicants already on the tenant-based waiting list the option to pursue a project-based unit before project-based units are made available to new applicants in the community.

PHAs are also authorized to use special preferences or criteria for selecting applicants for project-based units. For example, if the units will offer certain types of supportive services to residents (e.g., service coordination), the PHA may select households that indicate a preference for residing in housing where service coordination services are made available to residents who desire them. These preferences or criteria must be clearly spelled out in the PHA's Section 8 Administrative Plan.



For More Information

As of the date of this publication, HUD was finalizing policies that could affect the implementation of project-based assistance by PHAs.

This information will be posted on TAC's website (www.tacinc.org) as soon as it is made available by HUD. TAC also recommends the Center on Budget and Policy Priorities' website (www.cbpp.org) for accurate and up-to-date information on the project-based assistance program.

Chapter 9 Summary

- Project-based assistance means that vouchers are committed or "tied" to one or more units in a specific building for a specific time. Committing the voucher to the property guarantees the owner that Section 8 subsidy funding will be used in the property.
- Project-based units are subject to many of the standard rules of the Section 8 tenant-based voucher program.
- The new project-based program was effective on January 16, 2001 — the date that HUD made available its initial guidance on the program rules to PHAs.
- Through the Section 8 project-based assistance option, a PHA can now designate up to 20 percent of its total tenant-based Section 8 voucher funds to be used in specific rental properties.
- No more than 25 percent of the units in a development may receive project-based vouchers unless the assisted units are in single family properties, or are for elderly or disabled families, or families receiving supportive services.
- Households in units with project-based vouchers may move after one year and will receive the next available Section 8 tenant-based voucher, or its equivalent, from the PHA.
- Project-based assistance can be a valuable resource for creating new affordable housing for people with disabilities.
- PHAs are also authorized to use special preferences or criteria for selecting applicants for project-based units.

¹ Some of the information in this chapter is from materials authored by Barbara Sard from the Center on Budget and Policy Priorities (www.cbpp.org) and published with her permission.

Chapter 10

Section 8 And Homeownership Assistance

Homeownership Assistance

In April of 1999, HUD published a proposed rule to allow Section 8 vouchers to be used to help very low-income households, including people with disabilities, buy their first home. This rule was finalized in September of 2000. These rules permit — but do not require — PHAs currently administering a Section 8 program to use Section 8 assistance to help a household buy a home.

In June of 2001, HUD also released a rule creating the Pilot Program for Homeownership Assistance for Disabled Families — a new component of the Section 8 Homeownership Program recently authorized by Congress. Both these programs have the potential to alter the basic role of the Section 8 program — which has been to assist the lowest income households — by directing Section 8 homeownership benefits to households that have higher incomes and can afford all the costs associated with homeownership. However, there is also potential within these programs to assist more people with disabilities to obtain the goal of homeownership.

This chapter provides an overview of how Section 8 assistance can be used to purchase a home, including a discussion of the new Pilot Program for Homeownership Assistance for Disabled Families. This chapter also

includes some suggestions for how the disability community can work with PHAs to start a Section 8 homeownership program.

Section 8 Homeownership Program

On September 12, 2000, HUD published a final rule in the Federal Register allowing PHAs to establish a Section 8 homeownership program. Through this program, Section 8 households can use their housing assistance payments for homeownership expenses.

PHAs are **not required** to administer a Section 8 homeownership program. In fact, PHAs must demonstrate to HUD that they have the capacity to administer the Section 8 homeownership program, which differs in many ways from the rental assistance program. The PHA Plan should document a PHA's intention to implement a Section 8 homeownership program.

PHAs do not receive any additional funding if they decide to offer this option. As a result, some PHAs may be reluctant to establish a Section 8 homeownership program.

However, according to HUD regulations, a PHA must offer the Section 8 homeownership option to a person with a disability if it is needed as a reasonable



accommodation. In other words, under certain circumstances a PHA must provide the homeownership option to a person with a disability even if the PHA does not have an existing Section 8 homeownership program. An example of this type of reasonable accommodation might be a person with a chemical sensitivity disorder who is unable to find suitable rental housing that meets his/her needs. In the Section 8 Homeownership final rule, HUD reminds PHAs that these accommodations must be determined on a case-by-case basis and be "reasonable" as defined in the provisions of Section 504 of the Rehabilitation Act of 1973 (see Chapter 8).



Eligibility Criteria for Section 8 Homeownership Assistance

PHAs are given significant flexibility by HUD to design their Section 8 homeownership programs including, for example, limiting the number of households assisted and/or targeting the assistance to a specific segment of households — such as Section 8 households currently participating in the PHA's Family Self Sufficiency program.¹

According to HUD, PHAs can offer Section 8 homeownership assistance to both new and existing participants of the PHA's Section 8 program. However, a PHA may choose to limit homeownership assistance to existing Section 8 households and/or require that interested households receive Section 8 tenant-based rental assistance for a specific period of time before being eligible for the homeownership program.

To be eligible for Section 8 homeownership assistance, a household must first meet the general



requirements for the Section 8 program. In addition, a household must meet very specific requirements for the Section 8 homeownership program, including a minimum income requirement, described below.

Minimum Income Requirement

According to HUD rules, to be eligible to receive Section 8 homeownership assistance, a household must currently have an annual income of at least \$10,300. This income is equal to the federal minimum wage (\$5.15 for the year 2000) multiplied by 2,000 hours.

This minimum income requirement applies to **all** households receiving Section 8 homeownership assistance. At this point in time, it is not clear whether HUD would permit this requirement to be waived as a reasonable accommodation for a disabled household.



*This minimum income requirement applies to **all** households receiving Section 8 homeownership assistance. A single person receiving federal SSI benefits will not meet the federal minimum income requirement for the Section 8 homeownership program.*



It is important to note that a single person receiving federal SSI benefits (currently equal to an annual income of \$6,540) will not meet the federal minimum income requirement for the Section 8 homeownership program. In fact, a PHA may establish a minimum income requirement higher than the federal standard of \$10,300 if the PHA believes that a higher limit is necessary to ensure a successful program.

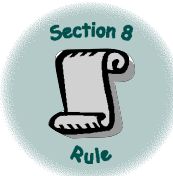
As with Section 8 rental assistance, PHAs must examine both the income and assets of all household members when determining if the household is eligible for Section 8 homeownership assistance. For disabled households, welfare and other sources of public assistance may be included as part of the income examination to determine eligibility.

Other Eligibility Criteria

In addition to minimum income requirements, there are other criteria for determining eligibility for Section 8 homeownership assistance including: employment, first-time homeowner, and homebuyer counseling requirements.

Employment

To be eligible for homeownership assistance, at least one adult member of the Section 8 household must have been continuously employed for at least 30 hours per week on average over the past year. **This employment requirement does not apply to people with disabilities.** However, people with disabilities must still meet the minimum income requirement even if the income is not from employment.



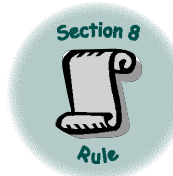
First-Time Homeowner

To be eligible, the household must also be a "first-time homeowner" or a household that owns or is acquiring shares in a housing cooperative. For disabled households, the "first-time homeowner" requirement can be waived on a case-by-case basis as a reasonable accommodation.



Homebuyer Counseling

Households participating in the Section 8 homeownership program must receive homebuyer counseling consistent with HUD standards. This counseling must be offered free of charge to the household and may be provided directly by PHAs or by HUD-approved counseling agencies in the community (in partnership with local PHAs).



Homeownership Expenses

Through the Section 8 homeownership program, a PHA provides a monthly homeownership assistance payment that is usually equal to the difference between 30 percent of the household's monthly adjusted income and the Section 8 payment standard, or the difference between 30 percent of the household's monthly adjusted income and monthly homeownership expenses — whichever is **less**. The PHAs may make payments directly to the homeowner or directly to the bank.

Under HUD rules, homeownership expenses may include:

- Mortgage payments;
- Insurance;
- Utilities;
- Maintenance costs;
- Condominium fees; and
- Other related expenses.

In addition, as a reasonable accommodation PHAs can include the cost of debt incurred to finance work to make the unit accessible for a family member with disabilities when calculating the



monthly homeownership expenses. For example, the cost of installing a wheelchair ramp can be taken into account when the PHA is determining the amount of eligible homeownership expenses.

Length of Assistance

The maximum term of assistance through the Section 8 homeownership program is 15 years if using a mortgage with a term of 20 years or more. Otherwise the maximum term is 10 years.

However, there is no limit on the term of assistance to disabled households. This

provision includes those households in which the head of household or spouse becomes disabled while receiving homeownership assistance through the Section 8 program.

If a household receiving Section 8 homeownership assistance defaults on their mortgage, PHAs may allow the household to convert the homeownership assistance back to rental assistance.

Eligible Homes

Only single family homes, condominiums, and cooperatives are eligible housing for Section 8 homeownership assistance. Units that were rehabilitated or developed with other state or federal funds are also eligible.

In order to receive assistance, a home must pass both a HUD HQS inspection and an independent home inspection before purchase. PHAs will perform the HQS inspection. The homebuyer is responsible for arranging and paying for the independent home inspection. PHAs may — but

are not required to — perform annual HQS inspections after the home is purchased.

Financing Requirements

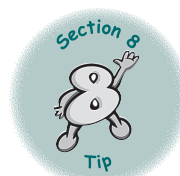
PHA's that implement a homeownership program can use HUD's down payment guidelines — which require a minimum of three percent of the purchase price of the home as a down payment, including at least one percent of the family's own resources — or can establish its own standards.

In addition to these down payment requirements, PHAs can adopt their own mortgage financing standards. To facilitate access by households to mortgage financing, the PHA's standards should be consistent with Federal Home Administration, lender, and/or secondary market requirements.

The household is responsible for securing its own financing for the home purchase. This means that the household — not the PHA — needs to identify funds to cover the down payment and closing costs and secure a mortgage from a lending institution.

PHAs should be encouraged to develop their Section 8 homeownership programs in conjunction with down payment assistance and mortgage financing opportunities targeted to low-income households. For example, the PHA could establish linkages to state or local HOME program activities used for down payment assistance or low-interest mortgages with local banks willing to participate.

In recent years, there have been special mortgage products developed specifically for low-income people with disabilities. For example, Fannie Mae created the



HomeChoice mortgage product that is exclusively for people with disabilities.² Some state and local governments have also designed unique mortgage products. These existing state and local homeownership initiatives may already be linked to agencies providing assistance with down payment, closing costs, or other homeownership related expenses. The disability community should encourage PHAs to link Section 8 homeownership programs to these initiatives in order to facilitate access to other government housing resources.

Section 8 Homeownership Demonstration Program

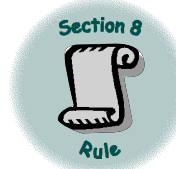
In a departure from its usual practice, HUD gave a few PHAs permission to begin Section 8 homeownership demonstration programs a year before it permitted all PHAs across the nation to offer Section 8 homeownership assistance. Under policies outlined in HUD's 2000 proposed regulations for Section 8 homeownership assistance, PHAs were invited to apply to HUD for approval to administer the homeownership demonstration program using the policies suggested in HUD's proposed rules, rather than waiting for the publication of the final rules.

HUD initiated these demonstration programs as a way to evaluate the potential effectiveness of using Section 8 funds for homeownership purposes. Approximately 15 PHAs participated in this demonstration program and created Section 8 homeownership programs that may actually be more flexible than those now permitted under the final regulations.



Pilot Program for Homeownership Assistance for Disabled Families

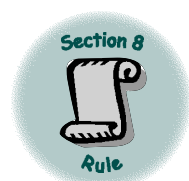
On June 22, 2001 HUD also published a rule to allow PHAs to establish a Section 8 Pilot Program for Homeownership Assistance for Disabled Families. PHAs can offer this Pilot Program in addition to the conventional homeownership assistance, or can choose to limit its homeownership activities to either of the two programs.



Eligibility Criteria for the Pilot Program

To be eligible for the Pilot Program, a household must:

- Meet the Section 8 definition of a disabled household;
- Meet the eligibility requirements for the conventional homeownership program (as described on page 71) with one important exception:
 - The household may have an annual income at the time of admission to the Pilot Program that is **higher** than the Section 8 income limits, as long as it is below 99 percent of the area median income.



As a result of this Pilot Program, Section 8 homeownership assistance may be available to more people with disabilities with higher incomes — a feature not available in the standard Section 8 rental assistance program.

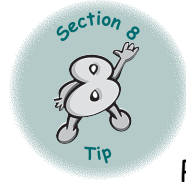
According to HUD rules, PHAs that establish a Pilot Program can target it to people with disabilities with incomes between the federal minimum income requirement for homeownership assistance (currently \$10,300) and up to 99 percent of the area median income. For example, a PHA in Minneapolis administering a Pilot Program could assist a person with an income as high as \$37,455.³

Amount of Homeownership Assistance

Through the Pilot Program, the amount of homeownership assistance provided by the PHA still depends on the household's income since households are required to pay approximately 30 percent of their monthly adjusted income toward homeownership expenses. Disabled households with the minimum income of \$10,300 qualify for much higher Section 8 homeownership assistance payments than disabled households with incomes at 80 or 90 percent of median income.

How to Start a Homeownership Program

The first step to establishing a Section 8 homeownership program or Pilot Program is to meet with the local PHA and express support for using Section 8 assistance for homeownership. Before meeting with PHA staff, it helps to review the PHA Plan (discussed in Chapter 2). The PHA Plan should document a



PHA's intention to implement a Section 8 homeownership program. In the future, a PHA may amend its PHA Plan to indicate plans to administer a Section 8 homeownership program. A PHA will also be required to amend its Section 8 Administrative Plan before starting a homeownership program.

It may also be helpful to meet with any local housing counseling agencies and/or homeownership coalitions to explore the potential for developing partnerships with the PHA. These partnerships could strengthen the disability community's ability to advocate with a PHA to start a Section 8 homeownership program, as well as help to obtain other homeownership resources. For example, through these partnerships, households receiving Section 8 homeownership assistance may be able to tap into down payment assistance funding already set aside for low-income households.

Chapter 10 Summary

- On September 12, 2000, HUD published a final rule allowing PHAs to establish a Section 8 homeownership program. Through this program, Section 8 households can use their housing assistance payments toward homeownership expenses.
- PHAs are not required to administer a Section 8 homeownership program. PHAs do not receive any additional funding if they decide to offer this option.

Chapter 10 Summary... continued

- Under certain circumstances, a PHA must provide the homeownership option to a person with a disability as a reasonable accommodation even if the PHA does not have an existing Section 8 homeownership program.
- To be eligible for Section 8 homeownership assistance, a household must: meet the general requirements for the Section 8 program; currently have an annual income of at least \$10,300; and meet other eligibility criteria such as employment, and a first-time homeowner.
- The minimum income requirement applies to all households receiving Section 8 homeownership assistance. However, the employment and first-time homeowner requirements may be waived as a reasonable accommodation for a person with a disability.
- Through the Section 8 homeownership program, a PHA provides a monthly homeownership assistance payment equal to the difference between 30 percent of the household's monthly adjusted income and the Section 8 payment standard, or the difference between 30 percent of the household's monthly adjusted income and monthly homeownership expenses — whichever is less. The PHAs may make payments directly to the homeowner or directly to the bank.
- As a reasonable accommodation, PHAs can include the cost of debt incurred to finance work to make the unit accessible for a family member with disabilities when computing the monthly homeownership expenses.
- A home must pass both a HUD HQS inspection and an independent home inspection before purchase.
- On June 22, 2001 HUD also published a rule to allow PHAs to establish a Section 8 Pilot Program for Homeownership Assistance for Disabled Families. PHAs can offer this Pilot Program in addition to the conventional homeownership assistance, or can choose to limit its homeownership activities to either of the two programs.
- To be eligible for the Pilot Program, a household must: meet the Section 8 definition of a disabled family; and meet the eligibility requirements for the conventional homeownership program. However, a household may have an annual income at the time of admission to the Pilot Program that is higher than the Section 8 income limits, as long as it is below 99 percent of the area median income.

¹ The Family Self Sufficiency program links Section 8 households with education and other support services to help them move from assisted housing. The program establishes an escrow account for participating households. The PHA forbears on raising a household's total tenant payment when there are increases in the household's income, and instead makes the deposits into the escrow account.

² For more information on the Fannie Mae HomeChoice mortgage product go to www.fanniemae.com

³ The 2002 median income for Minnesota for a one-person household was \$37,833. 99 percent of \$37,833 is equal to \$37,455.

Appendix A

Glossary of Section 8 Terms

This glossary contains definitions of specific technical Section 8 terms. These terms are often used by PHAs and may be useful when navigating through the Section 8 program.

Absorption — The point at which a PHA receiving a household that has moved into its area stops billing the initial PHA for assistance on behalf of the household. The receiving PHA uses funds available under its Annual Contributions Contract.

Administrative Fee — Fee paid by HUD to the PHA for administration of the program.

Admission — The effective date of the first HAP contract for a household (first day of initial lease term). This is the point when the household becomes a participant in the program.

Annual Contributions Contract (ACC) — A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program.

Annual Gross Income — The anticipated total income received by the head of household, spouse (even if temporarily absent), and by each additional member of the household. This includes all net income derived from assets for the 12-month period following the effective date of the certification or review of income, exclusive of income that is temporary, nonrecurring, or sporadic.

Applicable Payment Standard — The payment standard that applies to a given household, based on its size and composition.

Applicant (Applicant Household) — A household that has applied for admission to the program, but is not yet a participant in the program.

Childcare Expenses — Amounts anticipated to be paid by the household for the care of children 12 years of age and under during the period of which annual income is computed. This applies only where such care is necessary to enable a household member to be gainfully employed or to further his or her education, and only to the extent that such amounts are not otherwise reimbursed. The amount deducted

shall reflect reasonable charges for child-care, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

Dependent — A member of the household (excluding foster children) other than the head or spouse who is: under 18 years of age; a person with a disability; or a full-time student.

Disability Assistance Expenses — Anticipated reasonable expenses for attendant care and auxiliary apparatus for a handicapped or disabled household member that are necessary to enable a household member (including the handicapped or disabled member) to be employed.

Disabled Family or Household — A disabled family or household is defined as:

1. A group of persons consisting of two or more unrelated people with disabilities living together;
2. One or more unrelated people with disabilities living with one or more live-in aides;
3. A related family where the head of household, co-head, or spouse is a person with a disability; or
4. Two or more related people with disabilities.

Disabled Person — See "Person with a Disability"

Drug-Related Criminal Activity — This term means:

1. Drug-trafficking; or
2. Illegal use, or possession for personal use, of a controlled substance [as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)].

Drug-Trafficking — The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance [as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)].

Earned Income — Income from wages, tips, salaries, other employee compensation, and any earnings from self-employment.

Eligibility — The PHA may only admit an eligible family to the Section 8 program. To be eligible, the applicant must be a "family," must be income-eligible, must be a citizen or a non-citizen who has eligible immigration status as determined in accordance with 24 CFR part 5, and must be in good standing with the PHA.

Fair Market Rent (FMR) — The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair Market Rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published annually in the Federal Register in accordance with 24 CFR part 888.

Family —

1. A single person family such as:
 - a) An elderly person;
 - b) A person with a disability; or
 - c) Any other single person.
2. A group of people consisting of two or more unrelated elderly or disabled people living together (see "Unrelated Disabled Family"), or one or more elderly or disabled people living with one or more live-in aides.
3. A "family" with a child or children.
A "disabled family" must include an adult household member with a disability.

Family Unit Size — The appropriate number of bedrooms for a household. Family unit size is determined by the PHA under the PHA subsidy standards and outlined in its Section 8 Administrative Plan.

Full-Time Student — A person who is carrying a subject load that is considered full-time for a day student under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Housing Assistance Payment — The monthly assistance payment made by a PHA to an owner.

Housing Assistance Payment Contracts (HAP Contract) — A written contract between a PHA and an owner, in the form prescribed by HUD, in which the PHA agrees to make housing

assistance payments to the owner on behalf of an eligible household.

Housing Choice Voucher — Section 8 voucher.

Housing Quality Standard (HQS) — The HUD minimum quality standards for housing assisted under the Section 8 program. See 24 CFR 982.401 for specifics.

Household — Family members and others who live under the same roof.

HUD Requirements — HUD requirements for the Section 8 program. HUD requirements are issued by HUD headquarters as regulations, rules, Federal Register notices, or other binding program directives.

Initial Contract Rent — The contract rent at the beginning of the initial lease term.

Initial PHA — In portability, the term refers to both:

1. A PHA that originally selected a household that subsequently decides to move out of the jurisdiction of the selecting PHA.
2. A PHA absorbed family that subsequently decides to move out of the jurisdiction of the selecting PHA.

Initial Lease Term — The initial term of the assisted lease.

Initial Rent to Owner — The rent to owner at the beginning of the initial lease term.

Interim Examination/Certification — Recertifying a household's eligibility for the Section 8 program before his/her annual recertification. Interim exams occur when there is a change in the household's income, household composition, or other critical factors that could influence the total tenant payment or a household's eligibility.

Jurisdiction — The area in which the PHA has authority under applicable state and local laws to administer the program.

Lease — A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a household.

Live-in Aide — A person who resides with an elderly person or person(s) with a disability and who:

1. Is determined to be essential to the care and well-being of the person(s);
2. Is not obligated for the support of the person(s); and
3. Would not be living in the unit except to provide the necessary supportive services.

HUD rules currently do not specifically address residential supportive services staff that may be needed for the overnight care of a person with disabilities. However, as a reasonable accommodation, it may be possible to consider this staff member a live-in aide.

Local Preferences — Section 8 waiting list preferences established by the PHA.

Owner — Any person or entity with the legal right to lease or sublease a unit to a household.

Participant (Participant Family or Household) — A household that has been admitted to the Section 8 program and is currently assisted in the program. The household becomes a participant on the effective date of the first HAP contract executed by the PHA for the household (first day of initial lease term).

Payment Standard — An amount used by the PHA to calculate the housing assistance payment for a family. The PHA adopts a payment standard for each bedroom size and for each Fair Market Rent area in the PHA jurisdiction. The payment standard for a household is the maximum monthly subsidy payment.

Person with a Disability — An individual who:

- 1: Has a disability as defined in Section 223 of the Social Security Act; **OR**
- 2: Is determined to have a physical or emotional impairment that is expected to be of long-continued and indefinite duration; and
 - Substantially impedes his/her ability to live independently; and
 - Is of such a nature that such ability could be improved by more suitable housing conditions; **OR**
- 3: Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Public Housing Agency (PHA) — An organization that enters into a contract directly with HUD to administer the Section 8 program.

Public Housing Authority — A state, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian public housing authority.

Portability — Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.

Reasonable Rent — A rent paid to the owner that is not more than either the:

1. Rent charged for comparable units in the private unassisted market; or
2. Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

Receiving PHA — In portability, a PHA that receives a household selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher, and provides rental assistance to the household.

Recertification/Reexamination — Recertifying that a household is still eligible for the Section 8 program — including a review of income, household composition, and other applicable changes — and making changes in the total tenant payment and HAP when necessary. This is done on at least an annual basis, with interim exams conducted when necessary due to changes.

Rental Voucher — Section 8 voucher.

Rent to Owner — The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance, and utilities to be provided by the owner in accordance with the lease.

Shared Housing — A housing unit occupied by two or more unrelated individuals or families consisting of common space for shared use by the occupants of the units and separate private space for each assisted family.

Subsidy Standards — Standards established by a PHA to determine the appropriate number of bedrooms and amounts of subsidy for household of different sizes and compositions. See definition of "Family Unit Size".

Suspension — Stopping the clock on the term of a household's voucher from the time when the family submits a request for lease approval until the time when the PHA approves or denies the request.

Tenant — The person or people (other than a live-in aide) who executes the lease as leasee of the dwelling unit.

Tenant-Based — Rental assistance that is not attached to a structure.

Total Tenant Payment — The portion of the Gross Rent payable by an eligible household participating in the Section 8 program.

Transitional Housing — Temporary (generally up to 24 months) housing programs for homeless families and individuals.

Unrelated Disabled Family — A group of people consisting of two or more unrelated people with disabilities, or one or more unrelated people with disabilities living with one or more live-in aide(s) on one lease.

Very Low-Income Family — A household whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Violent Criminal Activity — Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher Holder — A household holding a voucher with unexpired search time.

Appendix B

Public Housing Agencies With Section 8 Vouchers Targeted To People With Disabilities

State	PHA	City	Vouchers for People with Disabilities
Alabama	Housing Authority of Jefferson County	Birmingham	93
	Housing Authority of Leeds	Leeds	1
	Housing Authority of Walker County	Dora	109
	Mobile Housing Board	Mobile	222
Arizona	Arizona Behavioral Health Corporation	Phoenix	75
	City of Mesa	Mesa	250
	City of Phoenix	Phoenix	200
	Mohave County Housing Authority	Kingman	50
	Pima County	Tucson	50
Arkansas	Jonesboro Urban Renewal Housing Authority	Jonesboro	100
	White River Regional Housing Authority	Melbourne	100
California	Alameda County Housing Authority	Hayward	75
	Anaheim Housing Authority	Anaheim	250
	Carlsbad Housing and Redevelopment Department	Carlsbad	75
	City of Fresno Housing Authority	Fresno	75
	City of Garden Grove	Garden Grove	100
	City of Los Angeles Housing Authority	Los Angeles	175
	City of Oceanside	Oceanside	100
	City of Redding Housing Authority	Redding	34
	City of San Jose Housing Authority	San Jose	75
	City of Santa Ana Housing Authority	Santa Ana	100
	City of Santa Barbara Housing Authority	Santa Barbara	100
	County of Contra Costa Housing Authority	Martinez	200
	County of Fresno Housing Authority	Fresno	75
	County of Los Angeles Housing Authority	Monterey Park	100
	County of Riverside Housing Authority	Riverside	38
	County of San Bernardino Housing Authority	San Bernardino	175
	County of Santa Clara Housing Authority	San Jose	153
	Housing Authority of the City of Encinitas	Encinitas	50
	Housing Authority of the City of Los Angeles	Los Angeles	200
	Imperial Valley Housing Authority	Brawley	49
	Kern County Housing Authority	Bakersfield	225

State	PHA	City	Vouchers for People with Disabilities
	Oakland Housing Authority	Oakland	260
	San Diego Housing Commission	San Diego	200
	San Francisco Housing Authority	San Francisco	75
	Santa Cruz County Housing Authority	Capitola	100
Colorado	Aurora Housing Authority	Aurora	75
	Boulder City	Boulder	50
	Boulder County Housing Authority	Boulder	35
	Colorado Bluesky Enterprises, Inc.	Pueblo	75
	Colorado Department of Human Services	Denver	760
	Denver Housing Authority	Denver	225
	Fort Collins Housing Authority	Fort Collins	100
	Grand Junction Housing Authority	Grand Junction	150
	Jefferson County Housing Authority	Wheatridge	175
	Loveland Housing Authority	Loveland	75
Connecticut	Connecticut Department of Social Services	Hartford	450
	Danbury Housing Authority	Danbury	202
	Greenwich Housing Authority	Greenwich	78
	Manchester Housing Authority	Manchester Town	36
	Middletown Housing Authority	Middletown	50
	Naugatuck Housing Authority	Naugatuck	20
	New Britain Housing Authority	New Britain	75
	Norwalk Housing Authority	South Norwalk	50
	Waterbury Housing Authority	Waterbury	75
	West Haven Housing Authority	West Haven	100
	Winchester Housing Authority	Winsted	20
	Windsor Housing Authority	Windsor Town	30
	Windsor Locks Housing Authority	Windsor Locks	32
Delaware	Dover Housing Authority	Dover	30
	Wilmington Housing Authority	Wilmington	150
District of Columbia	Community Connections	Washington	75
	District of Columbia Housing Authority	Washington	347
Florida	Alachua County Housing Authority	Gainesville	75
	Boley Centers for Behavioral Health Care, Inc.	St. Petersburg	150
	Broward County Housing Authority	Lauderhill	75
	City of Pensacola	Pensacola	50
	Clearwater Housing Authority	Clearwater	75
	Jacksonville Housing Authority	Jacksonville	75
	Hialeah Housing Authority	Hialeah	298
	Hillsborough County-BOCC	Tampa	100
	Housing Authority of Boca Raton	Boca Raton	75
	Housing Authority of Brevard County	Merritt Island	200

State	PHA	City	Vouchers for People with Disabilities
	Housing Authority of the City of Cocoa	Merritt Island	75
	Housing Authority of the City of Daytona Beach	Daytona Beach	30
	Housing Partnership, Inc.	West Palm Beach	75
	Miami-Dade Housing Authority	Miami	275
	Orlando Housing Authority	Orlando	100
	Punta Gorda Housing Authority	Punta Gorda	25
	Tallahassee Housing Authority	Tallahassee	75
	Tampa Housing Authority	Tampa	150
	West Palm Beach Housing Authority	West Palm Beach	175
Georgia	Housing Authority of the City of Atlanta	Atlanta	175
	Housing Authority of the City of Decatur	Decatur	25
	Housing Authority of the City of Rome	Rome	175
Guam	Guam Housing and Urban Renewal Authority	Sinajana	175
Hawaii	City and County of Honolulu	Honolulu	175
	Hawaii Housing and Community Development Corporation	Honolulu	175
	Hawaii State Housing Authority	Honolulu	175
Idaho	Ada County Housing Authority	Boise	100
	Boise City Housing Authority	Boise	100
	Idaho Housing and Finance Association	Boise	275
	SW Idaho Cooperative Housing Authority	Nampa	30
Illinois	Chicago Housing Authority	Chicago	522
	Housing Authority of the County of Cook	Chicago	75
	Housing Authority of the County of Lake	Grayslake	100
	Peoria Housing Authority	Peoria	100
	Springfield Housing Authority	Springfield	75
Indiana	Columbus Housing Authority	Columbus	75
	Crawfordsville Housing Authority	Crawfordsville	40
	Fort Wayne Housing Authority	Fort Wayne	75
	Goshen Housing Authority	Goshen	80
	Housing Authority of the City of Evansville	Evansville	100
	Housing Authority of the City of New Albany	New Albany	200
	Indiana Department of Human Services	Indianapolis	200
	Logansport Housing Authority	Logansport	31
	Noblesville Housing Authority	Noblesville	75
Iowa	Plymouth Housing Authority	Plymouth	100
	Cedar Rapids Housing Agency	Cedar Rapids	100
	Dubuque Department of Human Rights	Dubuque	40
	Iowa City Housing Authority	Iowa City	100
	Mid-Iowa Regional Housing Authority	Fort Dodge	35

State	PHA	City	Vouchers for People with Disabilities
	Northwest Iowa Regional Housing Authority	Spencer	35
	Sioux City Housing Services Division	Sioux City	50
	Waterloo Housing Authority	Waterloo	100
Kansas	Ellis County Housing Authority	Hays	75
	Johnson County Housing Authority	Merriam	25
	Lawrence Housing Authority	Lawrence	80
	Wichita Housing Authority	Wichita	356
Kentucky	City of Bowling Green	Bowling Green	50
	City of Louisville	Louisville	100
	Grayson-Carter County Housing Authority	Russell	10
	Housing Authority of Floyd County	Prestonsburg	25
	Housing Authority of Jefferson County	Louisville	100
	Kentucky Housing Corporation	Frankfort	200
	Lexington-Fayette Urban County Housing Authority	Lexington	25
Louisiana	Community Support Programs	Shreveport	58
	Housing Authority of Jefferson Parish	Marrero	275
	Housing Authority of New Orleans	New Orleans	25
	Housing Authority of Pearl River	Pearl River	25
	Housing Authority of Shreveport	Shreveport	200
	Housing Authority of the City of Lafayette	Lafayette	75
	Pilgrim Rest Community Development	Gretna	75
	Terrebonne Parish Consolidated Government	Houma	75
	Town of Oberlin	Oberlin	75
Maine	Augusta Housing Authority	Augusta	150
	Brunswick Housing Authority	Brunswick	30
	Maine State Housing Authority	Augusta	275
	Westbrook Housing Authority	Westbrook	175
Maryland	Anne Arundel County Housing Authority	Glen Burnie	200
	Arc Northern Chesapeake Region	Aberdeen	75
	Baltimore County Housing Authority	Towson	100
	County Commissioners Charles County	Port Tobacco	100
	Frederick Housing Authority	Frederick	50
	Housing Authority of Baltimore City	Baltimore	375
	Housing Authority of the City of Rockville	Rockville	50
	Howard County Housing and Community Development	Columbia	25
	Maryland Department of Housing and Community Development	Crownsville	60
	Montgomery County Housing Authority	Kensington	400
	St Mary's County Commissioners	Leonardtown	100

State	PHA	City	Vouchers for People with Disabilities
Massachusetts	Acton Housing Authority	Acton	15
	Attleboro Housing Authority	Attleboro	35
	Barnstable Housing Authority	Hyannis	200
	Beverly Housing Authority	Beverly	75
	Boston Housing Authority	Boston	500
	Bridge of Central Massachusetts, Inc.	Northboro	35
	Brockton Housing Authority	Brockton	100
	Cambridge Housing Authority	Cambridge	200
	Chelmsford Housing Authority	Chelmsford	75
	Community Team Work, Inc.	Lowell	48
	Dedham Housing Authority	Dedham	175
	Framingham Housing Authority	Framingham	150
	Franklin County Regional Housing Authority	Turners Falls	25
	Greater Lynn Mental Health and Retardation Association	Lynn	75
	Lawrence Housing Authority	Lawrence	25
	Lowell Housing Authority	Lowell	75
	Massachusetts Department of Housing and Community Development	Boston	875
	Methuen Housing Authority	Methuen	135
	Middlesex North Resource Center	Lowell	75
	Norwood Housing Authority	Norwood	40
	Peabody Housing Authority	Peabody	75
	Plymouth Housing Authority	Plymouth	40
	Quincy Housing Authority	Quincy	100
	Sandwich Housing Authority	Sandwich	25
	Somerville Housing Authority	Somerville	250
	Springfield Housing Authority	Springfield	75
	Taunton Housing Authority	Taunton	100
	Wakefield Housing Authority	Wakefield	111
	Westfield Housing Authority	Westfield	25
	Worcester Housing Authority	Worcester	100
	Yarmouth Housing Authority	South Yarmouth	60
Michigan	Ann Arbor Housing Community Development	Ann Arbor	100
	Battle Creek Housing Commission	Battle Creek	100
	Bay City Housing Authority	Bay City	50
	Dearborn Heights Housing Commission	Dearborn Heights	100
	Dearborn Housing Commission	Dearborn	50
	Grand Rapids Housing Commission	Grand Rapids	100
	Greenville Housing Commission	Greenville	45
	Housing Services for Eaton County	Charlotte	75
	Ingham County Housing Commission	Okemos	100
	Livonia Housing Commission	Livonia	25

State	PHA	City	Vouchers for People with Disabilities
	Madison Heights Housing Commission	Madison Heights	50
	Michigan State Housing Development Authority	Lansing	200
	Montcalm County Housing Commission	Howard City	100
	Plymouth Housing Commission	Plymouth	100
	Redford Township Housing Commission	Redford Township	50
	Wyoming Housing Commission	Wyoming	100
Minnesota	HRA of the City of South St Paul	South St. Paul	100
	Metropolitan Council	St. Paul	200
	Plymouth Housing Redevelopment Authority	Plymouth	30
Mississippi	Mississippi Regional Housing Authority No. V	Newton	75
	Mississippi Regional Housing Authority No. VI	Jackson	75
Missouri	Community Housing Network	Kansas City	75
	Franklin County Public Housing Agency	Hillsboro	46
	Kansas City Housing Authority	Kansas City	300
	Lincoln County Public Housing Agency	Bowling Green	100
	Ripley County Public Housing Authority	Poplar Bluff	50
	St. Louis County Housing Authority	St. Louis	100
Montana	Butte Housing Authority	Butte	10
Nebraska	Douglas County Housing Authority	Omaha	125
	Omaha Housing Authority	Omaha	100
Nevada	Accessible Space, Inc.	Las Vegas	75
	City of Las Vegas Housing Authority	Las Vegas	775
	City of Reno Housing Authority	Reno	75
	County of Clark Housing Authority	Las Vegas	100
	Nevada Rural Housing Authority	Carson City	150
	North Las Vegas Housing Authority	North Las Vegas	71
New Hampshire	Dover Housing Authority	Dover	30
	Keene Housing Authority	Keene	50
	Harbor Homes, Inc.	Nashua	75
	Lebanon Housing Authority	West Lebanon	14
New Jersey	Atlantic City Housing Authority	Atlantic City	75
	Bergen County Housing Authority	Hackensack	175
	Carteret Housing Authority	Carteret	150
	Clementon Housing Authority	Clementon	20
	Collaborative Support Programs of New Jersey, Inc.	Freehold	75
	County of Middlesex	New Brunswick	100
	Elizabeth Housing Authority	Elizabeth	50
	Housing Authority of Gloucester County	Woodbury	130

State	PHA	City	Vouchers for People with Disabilities
	Hunterdon County Housing Authority	Flemington	50
	Jersey City Housing Authority	Jersey City	200
	Lakewood Housing Authority	Lakewood	68
	Millville Housing Authority	Millville	60
	Monmouth County Housing Authority	Freehold	175
	Newark Housing Authority	Newark	75
	New Jersey Department of Community Affairs	Trenton	216
	Paterson Housing Authority	Paterson	150
	Somerville Housing Authority	Somerville	10
New Mexico	Albuquerque Housing Authority	Albuquerque	149
	Barrier Free Futures, Inc.	Santa Fe	20
	Bernalillo County Housing Department	Albuquerque	244
	Las Cruces Housing Authority	Las Cruces	100
	Truth or Consequences Housing Authority	Truth or Consequences	48
New York	Albany Housing Authority	Albany	75
	Amsterdam Housing Authority	Amsterdam	25
	Buffalo Municipal Housing Authority	Buffalo	200
	City of Buffalo	Buffalo	200
	City of Johnstown	Johnstown	75
	City of Oswego	Oswego	30
	City of Utica	Utica	100
	Gloversville Housing Authority	Gloversville	30
	Mercy Haven	Islip Terrace	36
	New York City Department of Housing Preservation/Development	New York	100
	New York City Housing Authority	New York	950
	New York State Division of Housing and Community Renewal	Bronx	150
	New York State Housing Finance Agency	New York	200
	New York Society for the Deaf	New York City	150
	Newark Housing Authority	Newark	75
	Norwich Housing Authority	Norwich	20
	Options for Community Living	Smithtown	75
	Port Jervis	Port Jervis	15
	Rochester Housing Authority	Rochester	230
	Schenectady Housing Authority	Schenectady	100
	Southern Tier Environment for Living	Jamestown	25
	Syracuse Housing Authority	Syracuse	135
	Town of Amherst	Williamsville	175
	Town of Bethlehem	Schenectady	10
	Town of Coeymans	Schenectady	10

State	PHA	City	Vouchers for People with Disabilities
	Town of Colonie	Schenectady	30
	Town of Guilderland	Schenectady	10
	Town of Niskayuna	Schenectady	10
	Town of Rotterdam	Schenectady	20
	Town of Stillwater	Stillwater	10
	Village of Kiryas Joel Housing Authority	Monroe	50
North Carolina	Carteret (Coastal) Community Action	Beaufort	50
	Eastern Carolina Human Services Agency	Jacksonville	75
	Franklin Vance Warren Opportunity Inc.	Henderson	150
	Housing Authority of Asheville	Asheville	75
	Housing Authority of Charlotte	Charlotte	275
	Housing Authority of Durham	Durham	200
	Housing Authority of Greensboro	Greensboro	300
	Housing Authority of High Point	High Point	50
	Housing Authority of Lexington	Lexington	50
	Housing Authority of Northwestern Regional	Boone	64
	Housing Authority of Wake County	Zebulon	100
	Housing Authority of Winston-Salem	Winston-Salem	323
	Town of East Spencer	East Spencer	50
	Western Carolina Community Action	Hendersonville	30
North Dakota	Minot Housing Authority	Minot	75
Ohio	Ashtabula Metropolitan Housing Authority	Ashtabula	60
	Bowling Green Metropolitan Housing Authority	Bowling Green	20
	Brown Metropolitan Housing Authority	Georgetown	7
	Butler Metropolitan Housing Authority	Hamilton	100
	Chillicothe Metropolitan Housing Authority	Chillicothe	50
	City of Middletown	Middletown	275
	Clermont Metropolitan Housing Authority	Batavia	75
	Columbus Metropolitan Housing Authority	Columbus	775
	Cuyahoga Metropolitan Housing Authority	Cleveland	200
	Dayton Metropolitan Housing Authority	Dayton	175
	Delaware Metropolitan Housing Authority	Delaware	95
	Fairfield Metropolitan Housing Authority	Lancaster	20
	Fayette Metropolitan Housing Authority	Washington C.H.	75
	Hancock Metropolitan Housing Authority	Findlay	475
	Highland Housing Authority	Highland	50
	Jackson County Housing Authority	Wellston	50
	Jefferson Metropolitan Housing Authority	Steubenville	200
	Licking Metropolitan Housing Authority	Newark	160
	Lorain Metropolitan Housing Authority	Lorain	75
	Lucas Metropolitan Housing Authority	Toledo	150

State	PHA	City	Vouchers for People with Disabilities
	Marion Metropolitan Housing Authority	Mansfield	75
	Medina Metropolitan Housing Authority	Medina	10
	Morrow Metropolitan Housing Authority	Marion	30
	New Avenues for Independence	Cleveland	75
	Pickaway Metropolitan Housing Authority	Circleville	41
	Portage Metropolitan Housing Authority	Ravenna	75
	Seneca Metropolitan Housing Authority	Mansfield	20
	Springfield Metropolitan	Springfield	50
	Stark Metropolitan Housing Authority	Canton	100
	Tuscarawas Metropolitan Housing Authority	New Philadelphia	30
	Warren Metropolitan Housing Authority	Lebanon	75
	Zanesville Metropolitan Housing Authority	Zanesville	50
Oklahoma	Oklahoma City Housing Authority	Oklahoma City	225
	Tulsa Housing Authority	Tulsa	100
Oregon	Central Oregon Regional Housing Authority	Redmond	200
	Clackamas County Housing Authority	Oregon City	75
	Coos-Curry Housing Authority	North Bend	50
	Housing Authority of Douglas County	Roseburg	35
	Housing Authority of Jackson County	Medford	175
	Housing Authority of Portland	Portland	100
	Housing Authority of the City of Salem	Salem	194
	Housing Authority of Yamhill County	McMinnville	175
	Josephine Housing and Community	Grants Pass	75
	Linn-Benton Housing Authority	Albany	100
Pennsylvania	NW Oregon Housing Association	Astoria	75
	Blair County Housing Authority	Hollidaysburg	47
	Bucks County Housing Authority	Doylestown	150
	Butler County Housing Authority	Butler	275
	Carbon County Housing Authority	Lehighton	15
	Chester Housing Authority	Chester	23
	Clarion County Housing Authority	Clarion	100
	Delaware County Housing Authority	Woodlyn	75
	Erie County Housing Authority	Corry	75
	Harrisburg Housing Authority	Harrisburg	150
	Housing Authority of Union County	Lewisburg	25
	Lackawanna County Housing Authority	Dunmore	100
	Lancaster County Housing Authority	Lancaster	50
	Lehigh County Housing Authority	Emmaus	290
	Monroe County Housing Authority	Stroudsburg	25
	Northampton County Housing Authority	Nazareth	10

State	PHA	City	Vouchers for People with Disabilities
	Philadelphia Housing Authority	Philadelphia	825
	Venango County Housing Authority	Oil City	50
	Warren County Housing Authority	Warren	25
Rhode Island	Coventry Housing Authority	Coventry	100
	Cumberland Housing Authority	Cumberland	52
	East Providence Housing Authority	East Providence	40
	Gateway Health Care, Inc.	Pawtucket	75
	Johnston Housing Authority	Johnston	50
	Kent County Mental Health Center, Inc.	Warwick	75
	Newport Housing Authority	Newport	100
	North Providence Housing Authority	North Providence	25
	Pawtucket Housing Authority	Pawtucket	75
	Rhode Island Housing Mortgage Finance Corporation	Providence	275
South Carolina	Housing Authority of the City of Beaufort	Beaufort	10
	Housing Authority of the City of Columbia	Columbia	100
	Housing Authority of the City of Myrtle Beach	Myrtle Beach	69
	South Carolina State Housing Finance and Development Authority	Columbia	200
South Dakota	Butte County Housing and Redevelopment Commission	Sturgis	20
	Huron Housing and Redevelopment Commission	Huron	42
	Pennington County Housing and Redevelopment Commission	Rapid City	150
	Sioux Falls Housing and Redevelopment Commission	Sioux Falls	100
	Yankton Housing and Redevelopment Commission	Yankton	57
Tennessee	Chattanooga Housing Authority	Chattanooga	275
	Housing Authority of Crossville	Crossville	12
	Housing Authority of Oak Ridge	Oak Ridge	40
	Knoxville Community Development Corp.	Knoxville	265
	Metropolitan Development and Housing Agency	Nashville-Davidson	400
Texas	Arlington Housing Authority	Arlington	175
	City of Amarillo	Amarillo	80
	Corpus Christi Housing Authority	Corpus Christi	100
	Corsicana Housing Authority	Corsicana	75
	Deep East Texas Council of Governments	Jasper	150
	Housing Authority of Dallas	Dallas	175

State	PHA	City	Vouchers for People with Disabilities
	Housing Authority of Fort Worth	Fort Worth	100
	Housing Authority of Lubbock	Lubbock	100
	Housing Authority of Montgomery County	Conroe	75
	Housing Authority of San Angelo	San Angelo	20
	Housing Authority of the City of Houston	Houston	225
	Housing Authority of Walker County	Huntsville	45
	San Antonio Housing Authority	San Antonio	175
	Tarrant County	Fort Worth	175
	Texoma Council of Governments	Sherman	50
	Travis County Housing Authority	Austin	75
Utah	Bear River Housing Authority	Logan	75
	Beaver County Housing Authority	Beaver	15
	Cedar City Housing Authority	Cedar City	60
	Davis County Housing Authority	Farmington	75
	Housing Authority of the City of Provo	Provo	50
	Housing Authority of the County of Salt Lake	Salt Lake City	25
	Housing Authority of Salt Lake City	Salt Lake City	175
	Logan City Housing Authority	Logan	150
	Utah County Housing Authority	Provo	100
Vermont	West Valley City Housing Authority	West Valley City	100
	Brattleboro Housing Authority	Brattleboro	75
	Burlington Housing Authority	Burlington	377
	Vermont State Housing Authority	Montpelier	275
Virginia	Winooski Housing Authority	Winooski	70
	Accomack — Northampton Regional Housing	Northampton	132
	Fairfax County Redevelopment and Housing Authority	Fairfax	100
	Hampton Redevelopment and Housing Authority	Hampton	75
	Harrisonburg Redevelopment and Housing Authority	Harrisonburg	70
	Norfolk Redevelopment and Housing Authority	Norfolk	75
	Piedmont Housing Alliance	Charlottesville	75
	Virginia Beach Department of Housing and Neighborhood Preservation	Virginia Beach	175
	Virginia Housing Development Authority	Richmond	241
	Waynesboro Redevelopment and Housing Authority	Waynesboro	45

State	PHA	City	Vouchers for People with Disabilities
Washington	Bellingham Housing Authority	Bellingham	150
	City of Anacortes	Anacortes	20
	Housing Authority City of Longview	Longview	300
	Housing Authority of City of Kennewick	Kennewick	50
	Housing Authority of Island County	Coupeville	15
	Housing Authority of King County	Seattle	700
	Housing Authority of Okanogan County	Okanogan	75
	Housing Authority of Pierce County	Tacoma	200
	Housing Authority of Skagit County	Mount Vernon	200
	Housing Authority of Snohomish County	Everett	300
	Housing Authority of the City of Everett	Everett	200
	Housing Authority of the City of Richland	Richland	100
	Housing Authority of the City of Spokane	Spokane	411
	Housing Authority of the City of Vancouver	Vancouver	150
	Housing Authority of the County of Clallam	Port Angeles	100
	Housing Authority of Thurston County	Olympia	300
	Kitsap County Consolidated Housing Authority	Silverdale	25
	Seattle Housing Authority	Seattle	375
West Virginia	Housing Authority of the City of Charleston	Charleston	100
	Housing Authority of the City of Fairmont	Fairmont	75
	Housing Authority of the City of Huntington	Huntington	156
	Housing Authority of the City of Morgantown	Fairmont	39
	Housing Authority of Mingo County	Williamson	200
Wisconsin	Kenosha Housing Authority	Kenosha	100
	Marshfield Community Development Authority	Marshfield	45
	Waukesha County Housing Authority	Waukesha	75
	West Bend Housing Authority	West Bend	100

Appendix C

Mass Access: An Accessible Housing Registry

In 1990, the Massachusetts legislature enacted the Housing Bill of Rights for Persons with Disabilities.¹ This legislation is similar to the federal fair housing laws in that it established accessibility and adaptability requirements in the construction of new residential housing units. Included in this legislation was the requirement that a “central registry” of accessible and adaptable housing be developed. Such a registry would provide an opportunity for housing managers to market units to people who needed them and also allow people with disabilities easy access to this information.

The system developed out of this legislative requirement is known as the Mass Access Housing Registry computer database. The database includes every accessible and adaptable residential rental unit in Massachusetts, including subsidized and market rate units of all sizes. Mass Access not only tracks units that are wheelchair accessible or adaptable, but also those units that are accessible to people with sensory disabilities. In 2001, the Mass Access database included 2,420 developments, 207,433 total units, and 11,606 accessible units. That same year, 395 vacancies were reported to Mass Access; 69 percent of these had subsidized rents, 31 percent were market rate units.

The primary objective of Mass Access is to help with the housing search process and to “match” accessible units to people who need them. Mass Access provides a person with:

- A list of currently vacant accessible and adaptable units across Massachusetts; and
- A list of units in the particular cities or towns they prefer.

A person searching for housing can designate a number of variables for the housing search such as location, bedroom size, rent level, and accessibility features. The service is

free to the public as well as housing managers. There is no limit to the number of contacts an individual or agency can have with the system.

Housing managers participate in Mass Access for several reasons. First, the system has been successful in “matching” people with vacant units. In 2000, 97 percent of the vacancies reported were successfully leased. Second, the fair housing legislation described earlier **requires** owners to list units with Mass Access and prohibits them from leasing the units to individuals who do not require the design features for 15 days.

The database is administered by Citizens Housing and Planning Association (CHAPA), a non-profit statewide housing organization, under contract with the Massachusetts Rehabilitation Commission. CHAPA was selected as the administrator through a public bidding process and has good relationships with the real estate, housing, and disability communities. CHAPA’s responsibilities include posting vacancy listings daily as well as conducting an annual update with housing managers. As part of the annual process, managers are asked to provide updated information about their housing development such as any units that have been rehabilitated, changes in rents or financing, etc.

Until recently, the Mass Access information was available to people with disabilities, their advocates, and families primarily through a network of local Independent Living Centers (ILCs). People with disabilities in search of housing would contact their local ILC and receive the requested information over the phone or through the mail. Recently, Mass Access also became available online at no cost. The website (www.massaccesshousingregistry.org) includes several new features including housing fact sheets and information regarding the opening of Section 8 waiting lists across the state. Even before the web site had been broadly marketed, the site had thousands of visitors.

While the legislature mandated the establishment of the registry, it did not initially appropriate funds for the program. Start-up funds were obtained through a HUD Fair Housing Initiative Program grant. These funds were used to design the database (which has since been updated and revised both by

Massachusetts and other states), conduct focus groups, and design the housing questionnaire used to gather the housing information. In 1995, the legislature initiated a \$100,000 budget line item for operation of the database. These funds support CHAPA as well as their technical subcontractor.

¹ Mass General Law 151b.

Appendix D

TAC's Housing Center Publications

The following publications are available on TAC's website at www.tacinc.org or by sending an email to info@tacinc.org or calling (617) 742-5657.

- ***Opening Doors: A Housing Publication for the Disability Community***

This free quarterly newsletter is designed to provide important information on affordable housing issues to people with disabilities, their families, advocates, and service providers across the United States. Each quarterly publication covers an important affordable housing topic and examines its impact on the ability of people with disabilities to acquire and maintain decent, safe, and affordable apartments or homes of their own. Past topics include:

- ***Section 8: The New Housing Choice Voucher Program*** (March 2002)
- ***HUD's HOME Program: Can It Really Work for People with Disabilities?*** (December 2001)
- ***What's Wrong With This Picture? An Updated on the Impact of Elderly Only Housing Policies on People with Disabilities*** (September 2001)
- ***Housing Crisis Continues: Findings from Priced Out in 2000*** (June 2001)
- ***Permanent Housing and HUD's Continuum of Care*** (March 2001)
- ***The Olmstead Decision and Housing: Opportunity Knocks*** (December 2000)
- ***Affordable Housing System Fails People with Disabilities*** (September 2000)
- ***Accessible Housing for People with Disabilities*** (June 2000)
- ***Challenging Choices: Housing Development 101*** (December 1999)
- ***Affordable Housing in Your Community: What You Need to Know! What You Need to Do!*** (September 1999)
- ***Survey Documents Housing Crisis*** (May 1999)
- ***Homeownership for People with Disabilities: A Movement in the Making*** (December 1998)
- ***Federal Fair Housing Protections for People with Disabilities*** (September 1998)
- ***The Consolidated Plan: A Key to Expanding Housing for People with Disabilities*** (December 1997)
- ***Influencing Affordable Housing Decisions In Your Community*** (September 1997)
- ***What Does the Designation of 'Elderly Only' Housing Mean for People with Disabilities?*** (May 1997)

- ***Olmstead and Supportive Housing: A Vision for the Future*** (2001)

A "white paper" on best practices and future strategies to expand permanent supportive housing for people with disabilities covered by the U.S. Supreme Court's *Olmstead* decision.

- ***Priced Out in 2000: The Crisis Continues*** (2001)

Calling for immediate changes in the way federal housing funds are allocated, this report documents the scope of this national housing crisis faced by people with severe disabilities who live on Supplemental Security Income (SSI).

- ***Federal Housing Resource Guide*** (2001)

A helpful resource guide that details most of HUD's most commonly accessed programs. This is an easy-to-read source showing what monies are available to individuals, states, and communities and how to access those funds.

- ***How To Be A Player in the Continuum of Care: A Guide to the Mental Health Community*** (2000)

A guide designed to provide the disability community with the necessary tools to be

active participants in the Continuum of Care process in their community or state including an overview of the Continuum of Care model; HUD's resources and applications; the Continuum of Care framework; and the planning process. *This publication is available online only.*

- ***Going It Alone: The Struggle to Expand Housing Opportunities for People with Disabilities*** (2000)

This publication focuses on the disconnect between people with disabilities and the affordable housing system. The results of this analysis are presented as eight major findings in this report.

- ***Piecing It All Together: Playing the Housing Game*** (1999)

A guide to the Consolidated Plan, this is an excellent resource book for communities and states getting ready to prepare their ConPlan. It is filled with up-to-date information that is helpful for every state and locality.

- ***Seizing the Moment: Using HUD's Consolidated Plan to Identify Affordable Housing Opportunities for Homeless People with Serious Mental Illness*** (1999)

The information and approaches detailed in this guidebook are designed to help the mental health and homeless communities participate in the Consolidated Plan process, a long-term housing plan that HUD uses to determine access to federal housing funding. The guide was written for anyone who wants to learn effective ways to influence housing decisions at the state and local levels, particularly those that impact people who are homeless or at immediate risk of homelessness and have serious mental illness. *This publication is available online only.*

- ***Priced Out in 1998: The Housing Crisis for People with Disabilities*** (1999)

This report documents that in every state across the country, people with disabilities are in the midst of an acute and increasing affordable housing crisis. *Priced Out in 1998* uses Supplemental Security Income and federal housing cost data for every state and housing market area in the country to examine the affordability of modes rental housing for people with disabilities, within all 50 states and 2,626 distinct housing market areas of the country.

- ***Guide to Continuum of Care Planning and Implementation*** (1999)

Developed for HUD, this guide provides a comprehensive overview of the Continuum of Care planning process. It has been developed with a companion set of reference materials and worksheets to assist localities with the design and implementation of Continuum of Care systems. *This publication is available online only.*

- ***Opening Doors: Recommendations for A Federal Policy to Address the Housing Needs of People with Disabilities*** (1996)

This report captures for the first time the profound impact that changes in federal housing policy — allowing federally assisted private and public housing to be designated "elderly only" — is having on the supply of affordable housing available to people with disabilities throughout the country.

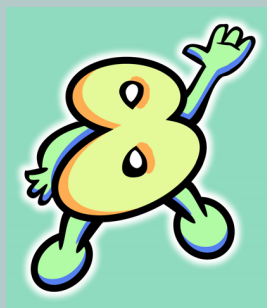
- ***Creating Housing and Supports for People Who Have Serious Mental Illness*** (1994)

Written by TAC, under contract to the Center for Mental Health Services, this monograph provides a useful overview of issues related to planning and designing supported housing for people with mental illness, and includes five case studies of successful state and local efforts to expand supported housing opportunities.

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