

Section 3.0 SPECIAL ADMISSIONS

3.01 Special Purpose Programs

The HCR Statewide Section 8 Voucher Program currently operates the following special purpose programs in some, but not all, LA jurisdictions:

- Mainstream with Disabilities Program
- Veterans Affairs Supportive Housing Program (VASH)

Pursuant to HUD requirements that special purpose programs be targeted to families with specific characteristics, HCR and LAs will use targeted funds solely for their intended purpose(s).

Where applicable, families with targeted characteristics may be selected from the waiting list before non-targeted families who applied before them. In the selection of families with targeted characteristics within the overall group of other families with similar targeted characteristics, families will be selected in the same order of preference as are those families on the regular waiting list.

LAs administering a special admission program shall incorporate criteria that aid in ascertaining whether applicants meet the identified program requirements.

3.01.1 Mainstream Five Vouchers (MS5)

Mainstream voucher assistance will be administered like other housing choice vouchers except for the following provisions:

MS5 vouchers are targeted only to families with at least one non-elderly disabled household member who must be at least 18 years of age or older and less than 62 years of age on the date of the initial HAP Contract signing and the submission of action type 1 (New Admission) to HUD, and who is:

- Transitioning out of institutional or other segregated settings;
- At serious risk of institutionalization;
- Homeless; or at-risk of becoming homeless

All eligible applicants must be drawn from the regular housing choice voucher waiting list. If an LA has a closed list or has exhausted their waiting list of applicants targeted for MS5, the LA must open their waiting list solely for non-elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless, and provide public notice advising the same.

Upon opening or renewing the waiting list of MS5 eligible applicants, the LA must adhere to the policies and procedures in Section 1.04, including the provision requiring development of a Mainstream-specific Affirmative Fair Housing Marketing Plan and the leveraging of resources provided through established partnerships with service providers. Under no circumstances shall an LA provide a Mainstream voucher to a participant possessing a traditional voucher to free up a traditional voucher for a waiting list applicant.

LA's must develop a Mainstream-specific Affirmative Fair Housing Marketing Plan to encourage applicants both independently and through referrals by leveraging resources through the establishment of existing and/or new partnerships with service providers.

3.01.1.A MS5 Definitions

The following program definitions only apply to the Mainstream Program for eligibility determination:

Eligible household: A household composed of one or more non-elderly person(s) with disabilities between the ages of 18-61. The household may include additional household members who are elderly persons with disabilities.

Non-elderly person: Must be at least 18 years of age or older and less than 62 years of age on the date of the initial HAP Contract signing and the submission of action type 1 (New Admission) to HUD.

Non-elderly person with disabilities (for purposes of determining eligibility): An eligible non-elderly person who:

- i. Has a disability, as defined in 42 U.S.C. 423;
- ii. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - a. Is expected to be of long-continued and indefinite duration;
 - b. Substantially impedes his or her ability to live independently, and
 - c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- iii. Has a developmental disability as defined in 42 U.S.C. 6001.

Institutional or other segregated settings include, but are not limited to: (1) congregate settings populated exclusively or primarily with individuals with disabilities; (2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals' ability to engage freely in community activities and to manage their own activities of daily living; or (3) settings that provide for daytime activities primarily with other individuals with disabilities.

At serious risk of institutionalization includes an individual with a disability who as a result of a public entity's failure to provide community services or its cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual's eventual placement in

an institution. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community-based services, individuals currently living under poor housing conditions or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. A person cannot be considered at serious risk of institutionalization unless the person has a disability. An individual may be designated as at serious risk of institutionalization either by a health and human services agency, by a community-based organization, or by self-identification.

Homeless:

1. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus, train station, airport, or camping ground;
 - b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
 - c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

2. An individual or family who will imminently lose their primary nighttime residence, provided that:
 - a. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - b. No subsequent residence has been identified; and
 - c. The individual or family lacks the resources or support networks, (e.g., family friends, faith-based, or other social networks), needed to obtain other permanent housing;

3. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - a. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

- b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - c. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
 - d. Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
4. Any individual or family who:
- a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
 - b. Has no other residence; and
 - c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

At risk of becoming homeless: An individual or family who:

- 1. Does not have sufficient resources or support networks, (e.g., family, friends, faith-based or other social networks), immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1)(a) of the "Homeless" definition; and
- 2. Meets one of the following conditions:
 - a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
 - b. Is living in the home of another because of economic hardship;
 - c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;
 - d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

- e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
- f. Is exiting a publicly-funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

3.02 Veterans Affairs Supportive Housing (VASH)

NYS HCR's Section 8 Housing Choice Voucher (HCV) Program elects, as authorized by and through the U.S. Department of Housing and Urban Development (HUD), to participate in the Veterans Affairs Supportive Housing (VASH) program. The VASH program combines Housing Choice Voucher (HCV) rental assistance for homeless veterans with case management and clinical services provided by participating VA medical centers (VAMCs) as well as community-based outreach clinics. The VAMCs refer identified and eligible homeless veterans to our Local Administrator to find and maintain safe, affordable housing while continuing to provide the services they need. The VASH program is administered only in select areas of the state and in partnership with VAMCs and our Local Administrators.

With exception to specific operating requirements set forth by HUD for VASH, NYS HCR administers VASH vouchers using the HCV program's regulatory requirements and HUD directives as required. In addition, NYS HCR elects to allow, as an additional housing choice option, VASH tenant-based voucher holders to also seek housing designated as single-room occupancy (SRO).

3.03 Disaster Recovery

When a Federal or State disaster declaration is made in any area of New York State wherein HCR locally administers a Section 8 HCV Program, HCR may, according to the specific needs resulting from each disaster, make vouchers available to respond to disaster needs.

When HCR invokes the disaster recovery policy, LAs may utilize any available new or turnover assistance to assist families.

From existing HCR Section 8 Annual Contributions Contract (ACC) authority, vouchers may be allocated to local programs per the following terms, conditions and necessary steps:

1. On the basis of demonstrated need in each local program area, LAs may request additional Section 8 vouchers from HCR for families/persons that have been either **permanently or indefinitely** displaced as a result of a Federal or State declared disaster **and** that meet all normal program eligibility guidelines.
2. If/when disasters occur, HCR will notify HUD that this provision of HCR's Public Housing Agency (PHA) Plan and Administrative Plan is to be invoked.

3. During the term of the Federal or State disaster declaration, income-eligible families already on local program waiting lists will be given first preference in the selection process. Other families affected by the disaster, but who are not on waiting lists, will be added to the list and given the same preference.
4. To be considered for Section 8 assistance, verification of a participant's displacement status **must** be provided by an agency or individual capable of rendering an official decision (for example, codes officer, building/permits officer, etc.). This process must establish that a participant/person has been displaced and that such displacement is of such permanent, indefinite or extended duration that Section 8 is a necessary and appropriate resource.
5. A complete determination of participant eligibility must be made as soon as possible by the LA in conjunction with the damage/displacement assessment.
6. HCR will advise LAs when:
 - the overall supply of vouchers has been depleted; or
 - HCR determines that the situation has stabilized to the point where interim vouchers will no longer be made available.
7. Vouchers will be returned to HCR when families utilizing them:
 - lose eligibility per normal operating procedures (i.e, 30% of participant income equals the unit's gross rent); or
 - are terminated from the program for non-compliance or any other reason. LAs will be notified if there are any changes to these provisions for returning vouchers to HCR.
8. Use of this special form of voucher disaster assistance is predicated on the understanding that once a participant receives a voucher, that assistance may **not** be considered for any fixed term (e.g., six months, one year, etc.); eligibility for continued assistance is handled like that of any other participant in the Section 8 program.