

Section 3.0 SPECIAL ADMISSIONS

3.0 Special Purpose Programs

The HCR Statewide Section 8 Voucher Program currently operates the following special purpose programs in some or all LA jurisdictions:

- Mainstream with Disabilities Program
- Veterans Affairs Supportive Housing Program (VASH)
- Emergency Housing Voucher Program (as authorized by HUD)

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 Vouchers (MS)

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 Mainstream, 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 Mainstream 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.

A local preference has been established, limited to the total number of vouchers awarded for all Mainstream NOFA's, for all applicants with at least one of the following status': transitioning out of institutional or other segregated settings; at serious risk of institutionalization; currently experiencing homelessness; previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or; those at risk of experiencing homelessness.

3.01.1.A Mainstream 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 policies set forth by [HUD-VASH Operating Requirements](#), NYS HCR administers VASH vouchers following all HUD directives and HCV program regulatory and administrative plan requirements.

In addition, VASH tenant-based voucher holders may seek housing designated as either single-room occupancy (SRO), congregate housing, group homes, assisted living facilities, shared housing, or cooperative housing as an alternative housing option.

3.02.01 VASH – Family Break-up

Generally, in the case of a family break-up, the HUD-VASH assistance must stay with the HUD-VASH veteran. However, in the case of domestic violence, dating violence, sexual assault, or stalking, in which the HUD-VASH veteran is the perpetrator, the victim must continue to be assisted.

Upon termination of the perpetrator's HUD-VASH voucher due to the perpetrator's acts of domestic violence, dating violence, sexual assault, or stalking, the victim must be given a regular HCV if one is available, and the perpetrator's HUD-VASH voucher must be used to serve another eligible veteran family. If a regular HCV is not available for the victim, the perpetrator must be terminated from assistance, and the victim will continue to utilize the HUD-VASH voucher.

3.03 Payment Standard/HAP for Special Housing Types

Except as a reasonable accommodation for families with disabilities, the LA will only permit VASH tenant-based voucher holders to pursue the alternative housing options listed above. Some of these alternative housing types have additional requirements when determining payment standard or HAP calculations. Congregate housing, group homes and assisted living facilities require state-issued approval and/or certification, therefore the LA must receive supporting documentation prior to approval of assistance. The alternate requirements for special housing types in their entirety can be found at 24 CFR 982, Subpart M, but the specific payment standard and/or HAP requirements have been summarized for your benefit here:

Single Room Occupancy (SRO)

For a person residing in SRO housing, the payment standard is 75 percent of the zero-bedroom payment standard amount on the PHA payment standard schedule. The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero-bedroom utility allowance.

Congregate Housing/Assisted Living Facilities

When there's no live-in aide:

- (1) For a family residing in congregate housing, the payment standard is the zero-bedroom payment standard amount on the PHA payment standard schedule.
- (2) However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family residing in congregate housing is the one-bedroom payment standard amount.

If there is a live-in aide:

The live-in aide must be counted in determining the family unit size.

Shared and Group Homes

Unless there is a live-in aide, the family unit size for an assisted occupant of a group home is 0- or 1-bedroom, depending on the PHA's subsidy standard. If there is a live-in aide, the aide must be counted in determining the family unit size.

The payment standard used to calculate the HAP is the *lower* of the payment standard for the family unit size or the pro-rata share of the payment standard for the group home size. The pro-rata share is calculated by dividing the number of persons in the assisted household by the total number of persons (assisted and unassisted) living in the group home. The number of persons in the assisted family equals one assisted person plus any PHA-approved live-in aide.

Ex. 1: Calculating Payment Standards for a Shared or Group Home Unit

Household includes a person with disabilities plus a live-in aide	Family unit size is 2
Total persons in group home (assisted and unassisted)	8
Group home size	8 bedrooms
2-bedroom payment standard	\$400
8-bedroom payment standard	\$1500
Pro-rata share	2 persons in assisted household/8 persons in group home = .25
Pro-rata share of payment standard for group home	\$1500 x .25 = \$375
Payment standard for shared/group home unit	\$375

Ex. 2: Calculating HAP for a Group Home Unit

Total tenant payment	\$135
Group home payment standard	\$375
Gross rent	\$370
HAP is the lower of	
Group home payment standard (\$375) <i>minus</i>	TTP (\$135) = \$240
<i>OR</i>	
Group home gross rent (\$370) <i>minus</i>	TTP (\$135) = \$235
HAP	\$235

Cooperative Housing

(1) The reasonable rent for a cooperative unit is determined in accordance with §982.507. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

(2) The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. The carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose.

(3) Gross rent is the carrying charge plus any utility allowance.

(4) Adjustments are applied to the carrying charge as determined in accordance with this section.

(5) The occupancy agreement/lease and other appropriate documents must provide that the monthly carrying charge is subject to Section 8 limitations on rent to owner.

3.03.01 HAP Contract Requirements for Special Housing Types

When a special housing type is approved for use, the same HCV HAP contract (HUD-52641) for regular tenant-based vouchers must still be used, however, the LA is required to insert the following language in Part A of the HAP contract: **“This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: (List the special housing type here).”**

3.04 Emergency Housing Vouchers (EHV) Administrative Plan Amendment

HCR is providing this Amendment to its Section 8 Housing Choice Voucher Administrative Plan to establish provisions rules that are specific to the administration of the Emergency Housing Voucher. All parties involved in the administration of EHV shall follow the current rules in the HCV Administrative Plan (linked below) except as otherwise specified here or in any future guidance issued by HCR. Where there is a conflict between HCR’s rules and federal regulations, the federal regulation shall prevail. If a CoC is aware of any such conflict, it shall inform HCR of that conflict as soon as possible.

<https://hcr.ny.gov/section-8-housing-programs>

NYS HCR elects, as authorized by Section 3202 of the American Rescue Plan Act and HUD (through award notification and PIH Notice 2021-15), to administer Emergency Housing Vouchers (EHV) to transition people experiencing or at risk of homelessness, including those whom are survivors of domestic violence or human trafficking, to stable housing. Emergency housing vouchers are administered within all applicable HUD and NYS HCR’s Administrative Plan operating requirements. The vouchers’ main purpose is to assist eligible individuals and families who would have difficulty being stably housed otherwise.

EHV’s will be administered as tenant-based assistance through a single or multiple Special Purpose Local Administrators (SPLA) SPLA. The SPLA will partner with one or more Continuums of Care (CoC) and/or Victim Service Providers (VSPs) for direct referrals and services. HCR will execute a Memorandum of Understanding (“MOU”) with each CoC participating in its EHV program, as required in PIH Notice 2021-15. This Administrative Plan Amendment, as well as any future changes to it, will become a part of the MOU.

3.04.01 Eligibility Requirements

Eligibility assessment must be conducted, and referrals received, by and through either the Continuum of Care’s (CoC) Coordinated Entry (CE) System or through another acceptable

method as stipulated in the CoC's MOU with HCR. Additional program eligibility will be determined by the SPLA based on the family's total annual gross income, household size and other applicable eligibility qualifications.

To be eligible for an EHV preference, an individual or family must meet one of three eligibility priorities as defined below, listed in order of preference:

Priority 1 –

1. Households determined by the CoC as meeting the definition of chronically homeless.
2. Any literally homeless families with minor children 18 years of age or younger.
3. Households who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking.
4. Households participating in a Rapid Re-housing (RRH) program who would qualify for such assistance as defined by the terms of the federal Emergency Solutions Grant ("ESG") program.

Priority 2 –

1. Any household classified as literally homeless.
 - a. All individuals and families classified as meeting any of the definitions above must be referred by the CoC, or its designee.

3.04.02 Partnering Agency

HCR is executing MOUs to accept referrals for EHV's from organizations permitted under PIH 2021-15 ("partnering agency"). This may include but is not limited to Continuums of Care (CoCs), Victim Service Providers ("VSPs") or other eligible entities which serve the target population. In order to participate HCR's EHV program, eligible entities must work through the CoC in their County or service area. Referrals will only be accepted from CoCs that agree to the terms of the MOU provided by HCR within the required timeframe. Each participating CoC must designate a Lead Agency, and that entity is required to devise a process to accept referrals from any other qualified, partnering agencies within the CoC's county or service area. Lead Agencies are encouraged to utilize the Coordinated Entry ("CE") System. The SPLA will be responsible for complying with the terms of HCR's MOU with each CoC.

3.04.03 EHV Requirements, Exceptions and Waivers

Emergency Housing Vouchers are administered in a manner similar to Section 8 Housing Choice Vouchers. The SPLA must follow HUD rules as well as requirements contained within HCR's HCV Administrative Plan, with exceptions for the following provisions:

Waiting List and Selection of EHV participants

There will be no open waiting lists for this program. Only families referred by the CoC Lead Agency will be accepted. The SPLA will establish a waiting list for each participating CoC comprised entirely of referrals received from the CoC Lead Agency.

The CoC Lead Agency and each partnering agency must be equipped to certify eligibility status by determining whether a family qualifies under one of the two categories for EHV's. They will

also be asked to refer households in order based on the priorities and timetable listed in the MOU during the initial lease-up Phase.

Additionally, CoCs are encouraged to leverage other resources available within their service area to assist EHV applicants and participants, including make connections to supportive services for to short-term or long-term case management, housing counseling, utility payments programs (e.g. the Home Energy Assistance Program), job training, health and nutrition programs, and other social services.

The Lead Agency must provide documentation to the SPLA of their verification that the family meets one of the two eligible categories for EHV assistance. The SPLA must retain this documentation as part of the family's file.

If a family reaches out directly to the SPLA requesting an EHV, unless they are requesting an emergency transfer in accordance with Violence Against Women Act as outlined in NYS HCR's Emergency Transfer Plan outlined in Section 28.0 in the [HCR Section 8 Housing Choice Voucher Administrative Plan](#), the SPLA must refer that family to their Lead Agency for initial intake, assessment, and possible referral back for EHV assistance.

Each NYS HCR HCV Local Administrator must also initially canvas their tenant-based waiting list and refer any applicant that initially qualified for the homeless preference to the Lead Agency for the CoC in their service area. The CoC will determine whether the family is eligible for an EHV (based on the qualifying definition for EHV assistance for homelessness or another eligible category as applicable). The CoC will also determine if the family is eligible for other homeless assistance through the CE system.

Local Preferences (§ 982.207(a) waived).

Per HUD guidance, HCR will not permit local preferences in EHV. We do not presently have a local preference in HCV.

Restrictions on Denial (§982.552 and § 982.553 waived).

The alternative requirements for prohibition of admission for EHV applicants are as follows:

A) Unlike regular HCV admissions, the SPLA **may not deny** an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing
- The family has ever been terminated from assistance under the program for any member of the family.
- The family currently owes rent or other amounts to a PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breached an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to an owner by an LA/PHA.

- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with §982.553(a)(3).
- The SPLA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

B) Addition of a Family Member

When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at § 982.551(h)(2) apply. Other than the birth, adoption or court-awarded custody of a child, the SPLA must approve additional family members and should apply its regular screening criteria in doing so.

C) Mandatory Prohibitions still apply

(1) The SPLA must continue to apply the standards it established under § 982.553(a)(1)(ii)(C) that prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.

(2) The SPLA must continue to apply the standards it established under § 982.553(a)(2)(i) that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program to EHV applicants.

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

Income Targeting Requirement (§ 982.201(b)(2) waived.

HCR is applying HUD guidance waiving the income targeting requirements of section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2) for EHV families so that the SPLA can effectively serve individuals and families in all eligible EHV income levels. The SPLA will waive application of the minimum rent for the EHV program but shall continue to apply the requirement to conduct an interim recertification every 90 days for a family claiming zero income.

Pre-Inspection of Units

To expedite the leasing process, HCR is utilizing the flexibility provided in PIH Notice 2021-15 regarding pre-inspections. The SPLA shall pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units. If an EHV family selects a unit that passed a HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (form HUD-52517), the unit may be approved as long as it meets all other conditions under § 982.305. However, the family must remain free to select a unit of their choice and cannot be required to accept a pre-screened unit.

Special Housing Types

A Single Room Occupancy (SRO) may be considered, in addition to the program's regular eligible housing options, by an EHV voucher holder. The alternate requirements for special

housing types in their entirety can be found at 24 CFR 982, Subpart M, but the specific payment standard requirements for an SRO have been summarized here:

Single Room Occupancy (SRO)

For a person residing in SRO housing, the payment standard is 75 percent of the zero-bedroom payment standard amount on the PHA payment standard schedule. The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero-bedroom utility allowance.

Inspections

Initial Search Term (§ 982.303(a) waived)

HCR is adopting the alternative requirement requiring that the initial term for an EHV must be 120 days. HCR will allow up to two 30-day extensions, to be evaluated on a case-by-case basis. Additional extension may be granted in the case of a reasonable accommodations. Any extensions, suspensions, and progress reports will remain consistent under the policies in NYS HCR's Administrative Plan but will only apply after the minimum 120-day initial search term.

Lease Term

Section 8(o)(7)(A) of the United States Housing Act of 1937 and § 982.309(a)(2)(ii) are waived. HCR is adopting the waiver providing for an initial lease term for an EHV family of less than 12 months regardless of whether the shorter term is a prevailing market practice.

Portability

Section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and § 982.353(c) are waived. ***No residency preference may apply to EHV's nor is there any prohibition on portability for non-resident applicants.*** In order to provide maximum housing choice for the targeted populations, HUD is removing the portability restriction for EHV nonresident applicants to allow all EHV families to immediately move under portability. The SPLA may not restrict an EHV family from exercising portability because they are a non-resident applicant.

Portability billing and absorption

As per HUD Notice, 2021-05, a receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA does or does not currently administer EHV's under its own ACC. If the EHV family moves under portability to another PHA that administers EHV's:

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

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

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

Family briefing/initial PHA and receiving PHA coordination on services

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

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

Payment Standards

§ 982.503(a)(3) waived. An alternative requirement has been established permitting a PHA to establish separate higher payment standards for the EHV's in order to increase the potential pool of available units for EHV families. The separate EHV payment standard must comply with all other HCV requirements under § 983.503. In addition, § 982.503(b)(1)(i) is waived allowing NYS HCR to establish a payment standard amount for a unit size at any level between 90 percent and 120 percent (as opposed to 110 percent) of the published FMR for that unit size.

HCR is not utilizing SAFMRs for the purposes of the EHV program.

Payment standards are subject to change at HCR's discretion.

Housing Search Assistance

Housing search assistance is an additional requirement, which must be conducted for each voucher recipient during their initial search in the EHV program. This may be accomplished directly by the CoC or contracted through a partnering agency. It is a broad term which can include many activities, but with respect to this requirement it must at minimum (1) help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods, (2) provide transportation assistance and directions to potential units, (3) conduct owner outreach, (4) assist with the completion of rental applications and PHA forms, and (5) help expedite the EHV leasing process for the family. Other recommended, but not required, housing search activities include helping individual families identify barriers to leasing (e.g., low credit score, evictions history) and strategies to address these barriers, workshops on how to conduct an effective housing search, enhanced support for portability

processing, regular proactive check-ins for families searching with a voucher, regular reminders to the family of their voucher expiration date and extension policies, and a dedicated landlord liaison for EHV voucher families.

Program Term

The EHV program has a sunset date of September 30, 2030. After September 30, 2023, the SPLA may not *reissue* any emergency housing vouchers when a family's assistance ends. It is important to note that this prohibition only applies to EHV's that are being reissued upon turnover after assistance to a family has ended. An EHV that has never been issued to a family may still be initially issued after September 30, 2023. All existing and eligible participants on the EHV program will remain assisted until either they request to be removed, become ineligible or the program terminates on September 30, 2030, whichever comes first. Upon termination of the EHV program in its entirety on September 30, 2030, any and all remaining eligible voucher holders will be absorbed into NYS HCR's HCV program and issued housing choice vouchers within the jurisdiction they currently reside.

The SPLA is encouraged to lease-up emergency housing vouchers as quickly and efficiently as possible. With knowledge that the initial lease up period is 120 days, the SPLA is not permitted to exceed voucher issuance beyond their authorized allocation. In other words, the SPLA is prohibited from issuing more vouchers in a specific region than allocated. The SPLA is responsible for tracking the status of all vouchers allocated and leased.

Income Verification at Admission (Self-Certification)

HCR is adopting the waiver regarding self-certification. However, documentation is strongly encouraged at admission.

Section 8 Housing Choice Voucher (HCV) Document Checklist

Documents/Information for Eligibility:

- Birth certificates and proof of Social Security number for every household member
- Photo ID for all adult household members (18 and older)
- Proof of immigration status for any household member not a U.S. citizen (INS document/Green Card)
- Four (4) consecutive paystubs for all employment income
- Current statement of income from SS, SSI, SSDI and state disability (call 855-488-0541 for a state disability benefit letter)
- Current unemployment benefits and/or worker's compensation statement(s)
- Current welfare/SNAP (food stamps) budget letters (including case make-up)
- Current statement(s) and/or court order(s) for child support and alimony
- Current statement of any regular financial contribution received by any member, including but not limited to, any funds to pay bills (must be signed and dated by the person/organization making the contribution)
- Current statement of any other income not listed above
- Three (3) consecutive monthly statements for all checking or savings accounts held solely or jointly by any member

- Current statement for any and all of the following held solely or jointly by any member: stocks, bonds, CDs, life insurance, trusts, annuities, money market accounts and/or any other assets
- If any household member is self-employed, the last filed tax return (1099 and all tax schedules) and most recent ledger
- If you or a spouse/co-head is disabled or 62 or older, current statement(s) showing medical expenses and/or medical insurance premiums
- If you pay for dependent care to allow an adult to go to work or school, a current statement showing care provider, how much you pay for childcare and child(ren) receiving care
- If any household member is a full-time student 18 or older, verification of full-time student status (school transcript)

HQS Initial Inspections – At this time, HCR is only permitting emergency inspections necessary for health and safety issues for all units (TBVs and PBVs) and for vacant units at the LA’s discretion. For occupied units, in order to place the unit under HAP contract and commence making payments, the LA may rely on the owner’s certification that they are not aware of any life-threatening conditions in the unit(s) or on the property. The LA shall collect a signed certification form from an authorized representative of the property prior to executing a HAP contract. The prescribed form is attached to this guidance. Additionally, for properties built prior to 1978 where the family includes children under the age of 6, the LA shall also require that the owner submit digital photographs of windows, doors and other friction surfaces. If the LA determines that the photographs demonstrate the presence of lead hazards, they shall require remediation prior to move-in. The period of availability for LAs to accept an owner’s self-certification for an initial inspection ends on **December 31, 2021**. The LA may resume physical inspections as soon as practicable but must conduct an HQS inspection on these units no later than **6/30/2022**.

3.04.04 Program Incentives

To facilitate occupancy once vouchers are issued, HCR intends to offer the following:

- i. Pre-inspections – HCR or its designated agent will provide inspectors to perform pre-inspection of units to ensure they qualify for the program in advance of voucher issuance if unit is vacant and staff are available.
- ii. Higher Payment Standard – HCR may establish a payment standard for each EHV unit size at payment standards higher than its current HCV standard for that county; this payment standard may be adjusted at HCR’s discretion depending on actual and projected HAP spending, and rent must still be determined reasonable.
- iii. Incentive Payment to Landlord – HCR will pay a landlord bonus of one-month’s rent at the time of lease signing.
- iv. Tenant Stipend – HCR will provide up to \$1,000 to reimburse tenants for moving and housing search expenses. This will include but is not limited to: purchase of necessary furniture, bedding, home appliances or hook-ups; cost of transportation to secure housing; payment of any prior utility arrears; moving costs; other costs mutually agreed upon by the CoC and HCR. The CoC will review and approve these expenses on HCR’s behalf. HCR will provide reimbursements

to the CoC of Stipend Payments to be provided to the household by the CoC. The CoC is permitted to advance funds to households where necessary and be re-imbursed by HCR.

- v. Repair Fund – HCR will provide up to \$1,000 to reimburse the landlord for repairs necessary to ensure the health and safety of the tenant; expenses will be approved by the inspector for HCR or its designated agent.
- vi. Security Deposit – HCR will provide the security deposit for the household.
- vii. Landlord Guarantee – Should the landlord be forced to evict the tenant for non-payment of the tenant share of rent, HCR will reimburse the landlord for losses accrued prior to the date of eviction within the first 12 months.

HCR reserves the right to adjust these incentives as necessary. All incentives are contingent upon availability of federal Section 8 funds.

3.04.05 Definitions

The following program definitions apply only to the Emergency Housing Voucher Program (EHV) for eligibility determination:

A. Individuals and families who are homeless

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

Homeless means:

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

Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

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

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

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

B. Individuals or families who are at-risk of homelessness

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

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

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

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

(iii) Meets one of the following conditions:

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

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

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the

Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

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

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

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

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

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

Dating violence means violence committed by a person:

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

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

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

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

Human trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as: *Sex trafficking* means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; (and)

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

D. Individuals or families who are recently homeless

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

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

E. Chronically Homeless

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

(a) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:

i. lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and

ii. Has been homeless and living as described in paragraph (a)(i) continuously for at least 12 months or on at least four separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (a)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering an institutional care facility;

(b) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (a) of this definition, before entering the facility;

(c) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (a) or (b) of this definition (as described in Section I.D.2.(a) of this Notice), including a family whose composition has fluctuated while the head of household has been homeless.

Continuum of Care (CoC)

The Continuum of Care (CoC) is a regional or local planning body that coordinates housing and services funding for homeless families and individuals. The CoC program promotes a community-wide commitment to the goal of ending homelessness. It provides funding for efforts by nonprofit providers and state and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness. It also promotes access to and effects utilization of mainstream programs by homeless individuals and families. And optimizes self-sufficiency among individuals and families experiencing homelessness.

Victim Service Provider (VSP)

A victim service provider is a private nonprofit organization whose primary mission is to provide direct services to victims of domestic violence. This term includes permanent housing providers—including rapid re-housing, domestic violence programs (shelters and non-residential), domestic violence transitional housing programs, dual domestic violence and sexual assault programs, and related advocacy and supportive services programs.

Coordinated Entry (CE)

The CE System is a centralized process designed to coordinate program participant intake assessment and provision of referrals. Each partnering agency will refer eligible EHV families directly from the CE System or VSP.

NYS HCR has elected, as authorized by Section 3202 of the American Rescue Plan Act and HUD (through award notification and PIH Notice 2021-15), to administer Emergency Housing Vouchers (EHV) to transition people experiencing or at risk of homelessness, including those whom are survivors of domestic violence or human trafficking, to stable housing. Emergency housing vouchers are administered within all applicable HUD and NYS HCR's Administrative Plan operating requirements. The vouchers' main purpose is to assist eligible individuals and families who would have difficulty being stably housed otherwise.

3.05 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.

3.06 Other Housing Emergencies

In addition to Federal and State Disaster Declarations, HTFC shall issue tenant-based vouchers to unassisted residents of designated properties where the following conditions are met:

1. The Property has received either grant or loan development financing, mortgage insurance, operating assistance, housing assistance payments or other form of federal or state assistance administered by HCR, either through the Division of Housing and Community Renewal, the Housing Trust Fund Corporation, the Housing Finance Agency or the State of New York Mortgage Agency.
2. The Property is subject to either a current regulatory agreement, a Housing Assistance Payment Contract or other applicable agreement.
3. Some or all tenants of the Property have been or will be displaced either due to a fire, natural disaster, or other building emergency and are seeking housing elsewhere.
4. These tenants do not currently receive federal or state housing assistance but would otherwise be eligible for Section 8 assistance.

In these instances, the tenants effected shall be considered victims of a state disaster, per Section 3.05, and eligible for assistance as described therein. They may therefore be added to the appropriate waiting list upon submitting an application to HCR within 120 days after the property is designated by HCR for emergency status under this section, and shall receive a first preference on that waiting list per Section 3.05. No more than 200 total vouchers may be utilized for families who received this preference at any given time.