

Summary of Draft Changes to the Fiscal Year 2023 Housing Choice Voucher Administrative Plan

Below are edits, updates, and clarifications that are proposed to the Housing Choice Voucher Administrative Plan. Substantial changes are noted as they appear in each chapter. Substantial changes are defined as changes which have significantly altered the administrative policies, changes to rent or admissions policies, organization of the waiting list, and additional activities or programs not included in the previous plan. Grammatical and sentence structure alterations are not defined as substantial.

Introduction

- No substantial edits

Chapter 1 – Overview of the Program and Plan

- 1-I.B. Organization and Structure of the PHA
 - Replaced District 4 Human Resource Development Council with Montana Department of Commerce.
- 1-I.D. The PHA's Programs
 - Added Emergency Housing Vouchers to the MDOC Policy.
 - Edited the MDOC Policy to include:
"Emergency housing vouchers assist individuals and families referred to MDOC by the Continuum of Care or Coordinated Entry systems who meet one of the following priorities: recently homeless and for whom providing rental assistance will prevent the family's homelessness or having a high risk of housing instability; are at-risk of homelessness; are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or are homeless.

Chapter 2 – Fair Housing and Equal Opportunity

- 2-I.B. Nondiscrimination
 - Updated Discrimination Complaints MDOC Policy to read:
"The Field Agency will forward any discrimination complaints to MDOC within 7 calendar days of receipt. Within 20 calendar days of receiving the complaint, MDOC will provide a written notice to those alleged to have violated the rule, including a copy of the complaint if available. MDOC will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO). If another state or federal agency is investigating the same discrimination complaint, MDOC will coordinate with the complainant and review the investigation and decision by the relevant state or federal agency."

Chapter 3 – Eligibility

- Introduction
 - Added:
"Not currently be receiving duplicative subsidy"
- 3-I.C. Family Breakup and Remaining Member of Tenant Family

- Removed the following language from the MDOC Policy
“When a family on the waiting list breaks up into two otherwise eligible families the head of household that is current listed on the waiting list will retain the original application date.”
- Added the following language to the MDOC Policy
“When a family on the Waiting List breaks up into two otherwise eligible families...If the head of the household does not relinquish their original application date, they will retain it on the Waiting List. The remaining eligible family members will have an application date based on the submission of their new application for the Waiting List.”
- 30I.K. Foster Children and Foster Adults
 - Added the following language to the MDOC Policy
“For a family that has not yet fostered a child but has approval to do so, MDOC may increase the subsidy size of the voucher on a case-by-case basis based on documentation supporting the need for an increased voucher size.”
- 3-I.L. Absent Family Members
 - Updated MDOC Policy to include:
“An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.”
- 3-II.F. EIV System Searches [Notice PIH 2018-18, EI FAQs, EIV System Training 09/30/2020]
 - Added section to Chapter 3
“Existing Tenant Search

Prior to admission to the program, the PHA must search for all household members using the EIV Existing Tenant Search module. The PHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. The PHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.

If the tenant is a new admission to the PHA, and a match is identified at a multifamily property, the PHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

MDOC Policy

MDOC will contact the PHA or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including form HUD-50058 or 50059, as applicable, showing an end of participation. MDOC will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

Debts Owed to PHAs and Terminations

All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. Prior to admission to the program, the PHA must search for each adult family member in the Debts Owed to PHAs and Terminations module.

If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.

MDOC Policy

MDOC will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.

MDOC will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, MDOC will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

Income and IVT Reports

For each new admission, the PHA is required to review the EIV Income and IVT Reports to confirm and validate family reported income within 120 days of the IMS/PIC submission date of the new admission. The PHA must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within 60 days of the EIV Income or IVT report dates.”

- 3-III.B. Mandatory Denial of Assistance [24 CFR 982.553(a)]
 - Updated MDOC policy to read:
“Currently engaging in is defined as any use of illegal drugs during the previous six months, except in the case of medical marijuana. In the case of medical marijuana, currently engaging is defined as an active medical marijuana card at the time of admission to the program.”
- 3-III.C. Other Permitted Reasons for Denial of Assistance
 - Updated the Criminal Activity MDOC Policy to include:
“...except the use of medical marijuana.
In the case of medical marijuana use, MDOC may deny assistance to a family if any household member has engaged in the use of medical marijuana as defined as an active medical marijuana card. If the family can show such household member(s) is/are not currently engaging in the use of medical marijuana prior to admission to the program, MDOC may admit them to the HCV program...

An active medical marijuana card at the time of eligibility determination.”

- 3-III.G. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking
 - Removed the following language from the MDOC Policy:
 - “poor credit history”

Chapter 4 – Applications, Waiting List, and Tenant Selection

- 4-I.D. Placement on the Waiting List
 - Updated MDOC Policy to read:
 - “Ineligible for Placement on the Waiting List

MDOC Policy

Incomplete applications will not be placed on the waiting list. Where a family is determined to be ineligible, MDOC will notify the applicant of the incomplete determination within 14 calendar days, if contact information is available. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Eligible for Placement on the Waiting List

MDOC Policy

MDOC will send written notification of receiving a complete application within 14 calendar days. If this notification letter is returned to MDOC as undeliverable, MDOC will attempt to contact the applicant by alternative means (i.e., phone or email) within 14 calendar days of receiving the returned mail. MDOC will not automatically remove the applicant family for the returned notification of complete application without attempting to correct the address.

- 4-II.B. Organization of the Waiting List [24 CFR 982.204 and 205]
 - Updated MDOC Policy to read:
 - “MDOC will not merge the HCV waiting list with the waiting list for any other program MDOC operates.

Mod Rehab units are project based with specific unit sizes at specific locations in the state. Applicants will not be penalized for refusing a Mod Rehab unit if they desire to wait for an HCV subsidy. Families will be removed from the HCV Waiting List only if they refuse both forms of assistance.

While, Mod Rehab participant families are not participants in the HCV program, they must apply to the HCV Waiting List. Mod Rehab families must be chosen from the HCV waiting list. The Mod Rehab family will remain on the HCV Waiting List if they lease up in a Mod Rehab unit, unless they request to be removed from the HCV Waiting List.

For a Mod Rehab participant family to be assisted in the HCV program, all the following conditions must be met:

- The family’s application date must place the family at the top of the HCV Waiting List;

- The family must meet the eligibility requirements for the HCV program;
- The family has satisfied the initial one-year term of their Mod Rehab lease or the term of the HAP contract, whichever is shorter;
- Unless the landlord and the family have mutually agreed to rescind the Mod Rehab lease.
- The family must request, in writing, transfer to the HCV program;
- The family must give the landlord a written 30-day notice, or be released from the lease; and
- The family must not have adverse program actions pending against them and must not owe any money to any PHA including MDOC.

If a Mod Rehab family chooses to decline an HCV voucher when their application comes to the top of the HCV Waiting List, they will be removed from the HCV Waiting List and will have to reapply to the HCV Waiting List in the future if they want an HCV voucher.”

- 4-III.B. Selection and HCV Funding Sources
 - Updated Targeted Funding Programs to include Emergency Housing Vouchers and the number of vouchers available to 109.
- 4-III.C. Selection Method
 - Updated MDOC Policy to read:

“Applicants will be selected from the waiting list first by waiting list preference, then, from the waiting list date and time their complete application was received by MDOC.

Families that qualify for targeted funding may be selected from the waiting list ahead of families that are higher on the waiting list and don’t qualify for the targeted funding. Those applicants will be selected according to the date and time their complete application is received.”

- 4-III.D. Notification of Selection
 - Updated MDOC Policy to read:

“The applicant will be notified when they have reached the top of the waiting list and is under review for eligibility for the HCV program. The notice will advise the family of the Field Agency area (jurisdiction) in which they selected to lease in according to their application or most recent Information Change Form. It will also state if they do not wish to lease in the initially selected area to complete an Information Change Form or request a change through Assistance Connect to change Field Agency areas.

The notice will inform the family of the following:

- Date, time, and location of the scheduled eligibility review, including any procedures for rescheduling the review or deadline to submit required documents;
- Who is required to attend the review (if applicable); and
- All documents that must be provided for the review, including information about what constitutes acceptable documentation.

If the notice is returned by the post office, the applicant will be removed from the waiting list without further notice.”

- 4-III.E. The Application Interview

- Renamed section The Eligibility Review
- 4-III.F. Completing the Application Process
 - Renamed section Completing the Eligibility Process

Chapter 5 – Briefings and Voucher Issuance

- 5.I.B. Briefing [24 CFR 982.301]
 - Added the following language
“Notification of Briefing

Prior to issuance of a voucher, the PHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed in individual face-to-face meetings, through group briefing sessions, or via remote briefing sessions.

MDOC Policy

Families will be notified of their eligibility for assistance at the time they are invited to a briefing. The notice will be sent by first class mail and will also be sent by email if the family has provided a valid email address to MDOC.

The notice will advise the family of the type of briefing, who is required to be present at the briefing, and the date and time of the briefing. The notice will also inform the family of any additional requirements for in-person or remote briefings as addressed in relevant policy elsewhere in this section.

If the notice is returned by the post office, the applicant will be denied assistance, and their name will be removed from the Waiting List.

In-Person Briefings

At the briefing, the PHA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973) and ensure that the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2-II.F. Program Accessibility for Persons with Hearing or Vision Impairments.”

- Updated MDOC Policy to say:
“In-person briefings will be conducted by Field Agency either individually or in a group.

The head of household is required to attend, and it is strongly suggested that all adult members of the household attend the briefing. “

- 5.I.B. Briefing
 - Updated the following language
“Attendance

MDOC Policy

Applicants who fail to attend a scheduled in-person briefing will be scheduled for another briefing automatically. MDOC will notify the family of the date and time of the second scheduled briefing. Applicants may request to reschedule one time prior to the date and time of the briefing. Applicants who fail to attend one scheduled briefing without prior Field Agency approval, will be denied assistance (see Chapter 3).”

- 5.I.B. Briefing [24 CFR 982.301]
 - Added the following sections:
“Remote Briefings [Notice PIH 2020-32]

Remote briefings may be conducted over the phone, via video conferencing, or through other virtual platforms individually or in a group.

MDOC Policy

The Field Agency has the sole discretion to require that briefings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. If the Field Agency schedules a remote briefing, the Field Agency will conduct a face-to-face briefing upon request of the applicant as a reasonable accommodation for a person with a disability if safety and health concerns can be reasonably addressed.

In addition, the Field Agency will conduct a briefing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have childcare or transportation that would enable them to attend the briefing, or if the applicant believes an in-person briefing would create an undue health risk. The Field Agency will consider other reasonable requests for a remote briefing on a case-by-case basis.

Accessibility Requirements for Persons with Disabilities and LEP Individuals

As with in-person briefings, the platform for conducting remote briefings must be accessible and the briefing conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual.

If no method of conducting a remote briefing is available that appropriately accommodates an individual’s disability, the PHA may not hold against the individual his or her inability to participate in the remote briefing, and the PHA should consider whether

postponing the remote briefing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances.

Limited English Proficiency (LEP) requirements also apply to remote briefings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote briefings.

Conducting Remote Briefings

The PHA must ensure that the lack of technology or inability to use technology for remote briefings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA must ensure that the family has appropriate technological access in order to fully participate in the remote briefing.

MDOC Policy

If a family does not have the technological means to attend a remote briefing, they must contact the Field Agency prior to their scheduled hearing to make alternative arrangements. The Field Agency will work with the family to resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person briefing or have a one-on-one briefing over the phone, as appropriate.

The Field Agency will conduct remote briefings via a video conferencing platform when available. If applicants are unable to adequately access the video conferencing platform, the briefing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in, the remote briefing will be postponed, and an in-person alternative or one-on-one briefing over the phone will be provided.

The Field Agency will provide login information and/or conferencing call-in information and an electronic copy of the briefing packet via email at least five calendar days prior to the briefing. The Field Agency will provide a paper copy of the briefing packet upon family request and may reschedule the briefing to allow adequate time for the family to receive the physical briefing packet.

The Field Agency will ensure that all electronic information stored or transmitted as part of the briefing meets the requirements for accessibility for persons with disabilities and persons with LEP, and is secure, including ensuring personally identifiable information (PII) is protected.

The Field Agency will ensure that families who participate in remote briefings have the opportunity to ask questions as part of the briefing.

If families lose connectivity during any remote briefing or otherwise feel they were unable to access information presented during the briefing, the family may request a one-on-one briefing over the phone or in person with the Field Agency.”

- 5.I.C. Family Obligations
 - Updated MDOC Policy to read:
“Unless otherwise noted below, the family is required to notify MDOC of any changes in income or family composition within 30 days of the change in writing.

In addition, the family must report changes to contact information, which include mailing address, phone number, and e-mail address in writing.”
 - Updated Family Obligations MDOC Policy to read:
“The family must provide a 30-day written notice to the owner and provide a copy to MDOC.”
- 5-II.E. Voucher Term and Extensions
 - Updated MDOC Policy language to include:
“The initial voucher term for EHV applicants will be 120 calendar days.”
 - Updated Extensions of Voucher Term MDOC Policy to read:
“MDOC will approve extension beyond 120 days only in the following circumstances”
 - Updated Suspensions of Voucher Term [24 CFR 982.303(c)] MDOC Policy to remove:
“An example of the voucher suspension (tolling): a family has been issued a voucher that starts on March 1, 2018 and expires April 30, 2018 (60 calendar days). They submit an RTA on March 25th. The RTA is not approved until March 28th. The voucher will be extended by 3 calendar days (March 28 minus March 25 = 3 calendar days). Add 3 calendar days to April 30, 2018. The voucher will now expire on May 3, 2018.”

Chapter 6 – Income and Subsidy Determinations

- 6-I.C. Anticipating Annual Income
 - Updated Basis of Annual Income Projection MDOC Policy to add:
“full pay period”
 - Updated Known Changes in Income MDOC Policy to remove:
“Example: An employer reports that a full-time employee who has been receiving \$8/hour will begin to receive \$8.25/hour in the eighth week after the effective date of the reexamination. In such a case, MDOC would calculate annual income as follows: (\$8/hour x 40 hours x 7 weeks) + (\$8.25/hour x 40 hours x 45 weeks).”
- 6-I.D. Earned Income
 - Updated MDOC Policy to include “tips” throughout.
- 6-I.G. Assets [24 CFR 5.609(b)(3); 24 CFR 5.603(b)]
 - Added the following language to the Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds MDOC Policy:
“For the purpose of calculating expenses to convert to cash for investment accounts, MDOC will use ten percent of the market value of the investment.”
 - Added the following language to the Equity in Real Property or Other Capital Investments MDOC Policy:

“For the purpose of calculating expenses to convert to cash for investment accounts, MDOC will use ten percent of the market value of the investment.”

- 6-III.D. Applying Utility Allowance [24 CFR 982.517]
 - Updated the Utility Allowance Revisions MDOC Policy to state:
“The effective date of MDOC’s utility allowance is January 1st.”

Chapter 7 – Verification

- 7-I.D. Third-Party Written and Oral Verification
 - Removed the following language from the Value of Assets and Asset Income [24 CFR 982.516(a)] MDOC Policy:
“All family members 18 years of age and older must sign the family’s declaration.”
- 7-II.E. Verification of Student Status
 - Updated General Requirements MDOC Policy to read:
“MDOC requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:
 - The family reports full-time student status for an adult household member.
 - The family reports childcare expenses to enable a family member to further their education.
 - The family includes a student enrolled in an institution of higher education.”
- 7-II.F. Documentation of Disability
 - Updated the Family Members Receiving SSA Disability Benefits MDOC Policy to remove:
“...through the HUD Enterprise Income Verification (EIV) system. If documentation from HUD’s EIV System is not available, the PHA...”
- 7-III.A. Earned Income
 - Updated Tips MDOC Policy to remove:
“for the prior year and tips anticipated to be received in the coming year.”
 - Updated Wages MDOC Policy to read:
“For wages other than tips, the family must provide the two most current, consecutive full pay stubs. A third-party employment verification will be required for new employment or when two consecutive full pay stubs are not available.”
- 7-III.B. Business and Self Employment Income
 - Removed the following language from the MDOC Policy:
“If a family member has been self-employed less than three (3) months, MDOC will accept the family member’s certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months MDOC will require the family to provide documentation of income and expenses for this period and use that information to project income.”
- 7-III.D. Alimony or Child Support
 - Updated the MDOC Policy to read:
“...If the family declares that it receives irregular or no payments (less than 4 payments received within the last 12 month), they may be required to provide supporting documentation.”
- 7-III.E. Assets and Income from Assets
 - Removed the following language from the MDOC Policy:
“Example 1: An elderly participant reported a \$10,000 certificate of deposit at the last annual reexamination and MDOC verified this amount. Now the person reports that she has given this \$10,000 to her son. MDOC has a reasonable estimate of the value of the asset; therefore reverification of the value of the asset is not necessary.”

Example 2: A family member has disposed of its ¼ share of real property located in a desirable area and has valued her share at approximately \$5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, MDOC will verify the value of this asset.”

- 7-III.I Zero Annual Income Status
 - Removed the following language from the MDOC Policy:
“MDOC will review all zero income families every 90 days and verify their income in EIV.”
- 7-IV.D. Child Care Expenses
 - Removed the following language from the Pursuing an Eligible Activity MDOC Policy:
“In the event third-party verification is not available, MDOC will provide the family with a form on which the family member must record job search efforts.”

Chapter 8 – Housing Quality Standards and Rent Reasonableness Determinations

- 8-I.B. Additional Local Requirements
 - Updated Clarifications of HUD Requirements MDOC policy to include:
“Windows covered in plastic must be in good working order (i.e., can open, close, and lock) as confirmed by tenant or landlord.”
- 8-I.C. Life-Threatening Conditions [24 CFR 982.404(a); FR Notice 1/18/17]
 - Updated MDOC Policy to include:
“(1) in units that have fuel-fired/burning appliance(s) and/or an attached garage, and (2) in bedrooms that contain a fireplace or a fuel-fired or burning appliance.”
 - Removed the following language from the MDOC Policy:
“if it would prevent the family from moving into the unit.”
- 8-II.A. Overview [24 CFR 982.405]
 - Adding the following section and policy to the section:
“Remote Video Inspections (RVIs) [Notice 2020-31]
As an alternative to some or all on-site inspections, the PHA may, but is not required to, perform HQS inspections from a remote location using video streaming technology and a proxy at the inspection site. Since there may be some circumstances in which the application of technology provides insufficient information or evidence to allow the PHA to make appropriate determinations about whether a condition violates HQS, Notice PIH 2020-31 requires that if a PHA chooses to implement RVIs, the PHA should have policies and procedures in place to address such limitations.
MDOC Policy
MDOC may conduct HQS inspections utilizing RVI for biennial inspections under the following circumstances:
 - Inclement weather prohibits traveling to the unit for inspection prior to deadline,
 - Household illness prevents inspection completion prior to deadline; and
 - Reasonable accommodation for a person with disabilities.MDOC will not utilize RVIs for initial inspections.”
- 8-II.C. Annual/Biennial HQS Inspections [24 CFR 982.405 and 982.406; Notice PIH 2016-05]
 - Update the MDOC Policy to include:
“MDOC reserves the right to require annual inspections of any unit or owner at any time.”
- 8-II.F. Inspection Results and Reinspections for Units Under HAP Contract

- Updated the Extensions MDOC Policy to include:
“or availability delays for either replacement parts or scheduling of a licensed professional to complete the repair...”

In the case of delayed availability of replacement parts or scheduling of a licensed professional to complete the repair, extensions may be continued until the parts or licensed professional is able to make repairs possible. The owner must provide documentation of ordering replacement parts or/and scheduling licensed professional prior to the original deadline to MDOC. The necessary repairs must be made within 14 calendar days of once the parts are available or the professional is scheduled.”

- Updated the Extensions MDOC Policy to read:
“...or availability delays for either replacement parts or scheduling of a licensed professional to complete the repair...”

In the case of delayed availability of replacement parts or scheduling of a licensed professional to complete the repair, extensions may be continued until the parts or licensed professional is able to make repairs possible. The owner must provide documentation of ordering replacement parts or/and scheduling licensed professional prior to the original deadline to MDOC. The necessary repairs must be made within 14 calendar days of once the parts are available or the professional is scheduled.”

- Updated the Reinspections MDOC Policy to include:
“The Field Agent will request verification of completed repairs to life-threatening deficiencies within 24 hours of notification. The Field Agent may conduct a re-inspection for annual inspections where life-threatening deficiencies are identified. If the deficiencies have not been corrected, the Field Agent will send a notice of abatement of HAP to the owner if the deficiency is the owner’s responsibility to correct.”
- 8-III.C. How Comparability is Established
 - Added the following MDOC Policy to the Rents Charged for Other Units on the Premises:
“MDOC will verify with the landlord the rents charged for any other comparable non-assisted rental units owned or managed by the landlord in writing prior to completing a lease up.”

Chapter 9 – General Leasing Policies

- 9-I.H. Changes in Lease or Rent [24 CFR 982.308]
 - Updated MDOC Policy to include:
“Rent increases will not be approved unless any failed items identified by the most recent HQS inspection have been corrected.”

Chapter 10 – Moving with Continued Assistance and Portability

- 10-II.B. Initial PHA Role
 - Updated Voucher Issuance and Term MDOC Policy to read:
“The initial term of the voucher will be 60 calendar days.”

Chapter 11 – Reexaminations

- 11-I.C. Scheduling Annual Reexamination
 - Removed the following language from the Notification of and Participation in the Annual Reexamination Process:
“If participation in an in-person interview poses a hardship due to a family member’s disability, the family must contact the agency performing the reexamination to request a

reasonable accommodation to perform the reexamination by mail or conduct a home visit.”

- 11-I.D. Conducting Annual Reexaminations
 - Updated MDOC Policy to read:
“Families will be asked to provide all required information (as described in the reexamination notice) by the 14-day deadline in the notification or scheduled appointment. The required information will include the following:
Tenant Information Form (TIF),
Authorization for the Release of Information,
Privacy Act Notice (form 9886),
Income Verifications,
TANF (Temporary Assistance for Needy Families) or Cash Assistance Benefit History,
Bureau of Indian Affairs (BIA) printout,
Unemployment award letter,
Two most recent wage stubs,
Pension letter,
Child Support printout with case number,
Proof of Child Care,
Direct Express Debit Card statement, ATM printout, or online account service, and
Any other income received not listed above,
Asset documents, and
Verification of Deductions.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 14 calendar days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a pre-termination notice.”

- 11-I.F. Effective Dates
 - Added the following language to the MDOC Policy:
“...unless the delay is caused by the family.”
- 11-II.B. Changes in Family and Household Composition
 - Added the following language to the New Family and Household Members Requiring Approval MDOC Policy
“MDOC will not approve the addition of an adult household member without verification that the landlord has approved the addition.”
- 11-II.C. Changes Affecting Income or Expenses
 - Updated the PHA-Initiated Interim Reexaminations MDOC Policy to read:
“For families eligible to receive the Earned Income Disallowance (EID), MDOC will conduct interim reexaminations at the required intervals (see Chapter 6-I.D. Earned Income for additional information).
...
MDOC will conduct an interim reexamination when new income is discovered, reported, or identified through EIV’s Income Verification Tool.”

- Updated Required Reporting MDOC Policy to read:
“Families are required to report all increases in income, including new employment benefits, pensions, reduction of eligible medical expenses, change in childcare expenses, etc., in writing within 30 days of the family’s notification of the change, by completing a Tenant Information Form (TIF) and submitting supporting documentation to MDOC.

An income increase exceeding \$200 per month or \$2,400 annually since the last certification (annual, interim, lease up or change of unit) will require an interim reexamination to affect the family share of rent.

If a family reports an income increase that is less than \$200 month/\$2,400 annually, MDOC in its sole discretion, may or may not conduct an interim reexamination.

If any new family member is added, family income must be included for any income of the new family member or additions to family income as a result of the new member additions. MDOC will conduct an interim reexamination to review such additional income and will make the appropriate adjustment in the Housing Assistance Payment. Family unit size will be reevaluated at either the next annual reexamination or in the event the family elects to move units.”

Chapter 12 – Termination of Assistance and Tenancy

- 12-I.E. Mandatory Policies and Other Authorized Terminations
 - Updated Use of Illegal Drugs and Alcohol Abuse MDOC Policy to read:
“Federal law prohibits marijuana in HCV subsidized housing.”

Chapter 13 – Owners

- 13-II.F. Change in Ownership/Assignment of the HAP Contract [HUD-52641]
 - Updated MDOC Policy to include:
“A copy of new lease or addendum to the lease (only required if the original lease has not been adopted by the new owner).

Chapter 14 – Program Integrity

- 14-II.A. Subsidy Under- or Overpayments
 - Updated Corrections MDOC Policy to add:
“...unless family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis.”

Chapter 15 – Special Housing Types

- No substantial edits.

Chapter 16 – Program Administration

- 16-II.B. Payment Standards [24 CFR 982.503; HCV GB, Chapter 7]
 - Added the following language to the Updating Payment Standards MDOC Policy:
“In the event MDOC is approved for a Payment Standard above 110% of FMR, the effective date of the increased payment standard will be no later than 30 calendar days from the date of the approval or in accordance with the terms of the increased Payment Standard approval notice.

MDOC received a waiver to utilize 120% of the FMR for payment standard, in effect from July 1, 2022 through December 31, 2022.”

- 16-III.B. Informal Reviews
 - Added the following language to the Scheduling an Informal Review MDOC Policy:
“If the informal review will be conducted remotely, at the time MDOC notifies the family of the informal review, the family will be informed:
 - Regarding the processes to conduct a remote informal review,
 - That, if needed, MDOC will provide technical assistance prior to and during the informal review, and
 - If the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal review, the family may inform MDOC and MDOC will assist the family in either resolving the issues or allow the family to participate in an in-person informal review, as appropriate.”
 - Updated the following language in Remote Informal Hearings [Notice PIH 2020-32] to read:
“There is no requirement that informal reviews be conducted in-person and, as such, HUD allows PHAs to conduct all or a portion of their informal reviews remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal reviews, applicants may still request an in-person informal review, as applicable.”
- Added the following subsection and MDOC Policy:

“Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal reviews, the platform for conducting remote informal reviews must be accessible to persons with disabilities and the informal review must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

PHAs are required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal review process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal review is available that appropriately accommodates an individual’s disability, the PHA may not hold against the individual his or her inability to participate in the remote informal review, and the PHA should consider

whether postponing the remote informal review to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal reviews, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal reviews.

Conducting Remote Informal Reviews

The PHA must ensure that the lack of technology or inability to use technology for remote informal reviews does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote informal review and, if the family does not have the proper technology to fully participate, either postpone the informal review or provide an alternative means of access.

As with in-person informal reviews, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal review. The family must also be provided with an accessible means by which to transmit their own evidence.

The PHA must ensure that the applicant has the right to hear and be heard. All PHA policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations at 24 CFR 982.554 and guidance specified in Notice PIH 2020-32.

MDOC Policy

MDOC may offer remote informal hearings.

- 16-IV.B. Repayment Policy
 - Updated the Family Debts to the PHA MDOC Policy to read:
“When MDOC discovers a family failed to report income, the family may be required to pay the underpaid HAP resulting in underreporting in full or enter into a repayment agreement.”

Chapter 17 – Project-Based Vouchers

- 17-II.B. Owner Proposal Selection Procedure [24 CFR 983.51(b)]
 - Updated the language under Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21; 24 CFR 983.51(b)] to read:
“For certain public housing projects where the PHA has an ownership interest or control, the PHA may attach PHB assistance non-competitively without following one of the two processes above:

This exception applies when the PHA is engaged in an initiative to improve, develop, or replace a public housing property or site. The public housing units may either currently be in the public housing inventory or may have been removed from the public housing inventory within five years of the date on which the PHA entered into the AHAP or HAP.

If the PHA is planning rehabilitation or new construction on the project, a minimum threshold of \$25,000 per unit in hard costs must be expended.

If the PHA plans to replace public housing by attaching PBV assistance to existing housing in which the PHA has an ownership interest or control, then the \$25,000 per unit minimum threshold does not apply as long as the existing housing substantially complies with HQS.

The PHA must include in the administrative plan what work it plans to do on the property or site and how the PBV units will be added to the site.”

- 17-II.E. Subsidy Layering Requirements [24 CFR 983.55, Notice PIH 2013-11, and FR Notice 2/28/20]

- Updated language to read:

“The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP). Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.

When a PHA selects a new construction or rehabilitation project, the PHA must require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 2/28/20 contains a list of all required documentation.

Either HUD or a HUD-approved housing credit agency (HCA) in the PHA’s jurisdiction performs the SLR. The PHA must request an SLR through their local HUD Field Office or, if eligible, through a participating HCA.

If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify the PHA. The PHA may proceed to execute an AHAP at that time if the environmental approval is received.”

- 17-III.D. Inspecting Units

- Updated Pre-HAP Contract Inspections language to read:

“The PHA must inspect each contract unit before execution of the HAP contract. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS, unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions, or if the unit passed an alternative inspection.

MDOC Policy

MDOC will not provide assistance on behalf of the family until the unit fully complies with HQS. Turnover Inspections [24 CFR 983.103(c)]

Before providing assistance to a new family in a contract unit, the PHA must inspect the unit. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS.”

- 17-V.B. HAP Contract Requirements
 - Updated Term of HAP Contract MDOC Policy to read:
“MDOC will enter into an initial PBV HAP contract for no less than one year but not to exceed 20 years.”
- Added Exhibit 17-2: Special Provisions Applying to TPVs Awarded as Part of a Voluntary Conversion of Public Housing Units in Projects that Include RAD PBV Units.

Chapter 18 – Project Based Vouchers (PBV) Under the Rental Assistance Demonstration (RAD) Program

- No substantial edits.

Chapter 19 – Family Self Sufficiency Action Plan

- No substantial edits.