

In the absence of a judicial decision, or an agreement among the original family members, the original head of household will retain the application date. Exceptions to the policy will be made on a case-by-case basis and may include consideration of the following factors:

- The interest of any minor children, including custody arrangements;
- The interest of any ill, elderly, or disabled family members;
- Any possible risks to family members as a result of domestic violence or criminal activity; and
- The recommendations of social service professionals.

5.6 UPDATING THE WAITING LIST

In order to have an adequate number of families available for screening, it is necessary to have a current and updated waiting list. HANO will review the waiting list to determine if an update and purge are necessary.

If an update is needed, HANO will mail update questionnaires to families on the waiting list via first class mail to determine whether the family continues to be interested in the program. This update request will be sent to the last address that HANO has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. The family's response must be in writing.

Eligible applicants who respond to the questionnaires will be maintained on the waiting list.

5.6.1 Removal from the Waiting list

Families that do not respond to a request for updated information within 14 calendar days from the date of the notice will be withdrawn from the waiting list without further notice. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. If the family fails to respond within ~~14~~30 calendar days, the family will be removed from the waiting list without further notice.

When a family is removed from the waiting list during the update process for failure to respond, no informal review will be offered. Such failures to act on the part of the applicant prevent HANO from making an eligibility determination; therefore, no informal review is required.

HANO will remove applicants from the waiting list upon documented request from the applicant. In such cases, no informal hearing is required.

If a family is removed from the waiting list because HANO has determined the family is not eligible for admission, a notice will be sent to the family. The notice will state the reasons the family is proposed to be removed from the waiting list and will inform the family how to request an informal review regarding HANO's decision. Applicants removed from the waiting list may reapply in one year if the waiting list is open. Reasonable accommodations may be provided if the reason for removing an applicant is related to a disability.

HANO may also consider mitigating circumstances as required pursuant to 24 CFR 982.206 and may advise applicants of their right to request both a reasonable accommodation and mitigating circumstances in any notice of proposed removal from the waiting list.

5.6.2 Reinstatement to the Waiting list

If a family is removed from the waiting list for failure to respond, HANO may reinstate the family at its former position if it is determined that the lack of response was due to HANO error or to circumstances beyond the family's control. To be considered for reinstatement at their former position, the applicant must contact HANO within one year of being removed from the waiting list. The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to HANO's request for

- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit; and
- The family does not own or have any interest in the contract unit.

22.16 ADDITIONAL HAP REQUIREMENTS

22.16.1 Housing Quality and Design Requirements

24 CFR 983.101(e), 983.208(a)

The owner is required to maintain and operate the contract units and premises in accordance with HQS or such other local standards. The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with HANO and in the lease with each assisted family. In addition, maintenance, replacement and redecoration must be in accordance with the standard practice for the building as established by the owner.

HANO may elect to establish additional requirements for quality, architecture, or design of PBV housing. Any such additional requirements must be specified in the agreement to enter into a HAP contract and the HAP contract. These requirements must be in addition to, not in place of, compliance with HQS.

HANO will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. HANO will specify any special design standards or additional requirements in the invitation for PBV proposals, the agreement to enter into HAP contract, and the HAP contract.

22.17 VACANCY PAYMENTS

CFR 983.352(b)

~~HANO may provide vacancy payments under the PBV program. HANO will provide vacancy payments under the PBV Program for the limited time period of April 1, 2020 through December 31, 2020. The agency reserves the right to extend the time frame for providing vacancy payments via notification to PBV property owners beyond December 31, 2020, not to exceed December 31, 2021.~~

~~If HANO opts to make vacancy payments HANO's vacancy payments for PBV properties, these payments will begin the first full calendar month after move-out of a PBV participant for a maximum two-month period. The payments cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner, including amounts available from the tenant's security deposit. The two months of vacancy payments only cover the period that the unit remains vacant and will cease once a new participant moves into that unit.~~

If HANO opts to make vacancy payments, HANO will only make vacancy payments to the PBV property owner if:

- The owner gives HANO prompt, written notice certifying that the family has vacated the unit, which contains the date when the family moved out, to the best of the owner's knowledge and belief;
- The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- The owner provides any additional information required and requested by HANO to verify that the owner is entitled to the vacancy payment.

The owner must submit a request for vacancy payments in the form and manner required by HANO and must provide any information or substantiation required by HANO to determine the amount of any vacancy payment.

22.18 PROJECT-BASED PARTICIPANTS

24 CFR 982

Many of the provisions of the tenant-based voucher regulations also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program.