

provide documentation of the residence to which the guest will return.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants and their presence represents a violation of program requirements.

4.12 FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609].

A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Foster children and foster adults are generally treated with the following status 24 CFR 5.603; HUD-50058 IB, p. 13:

- Considered household members but not family members
- Income is not counted in family annual income
- Do not qualify for a dependent deduction

HANO will allow a foster child/foster adult to live with a family with HANO approval.

4.13 ABSENT FAMILY MEMBERS

The following definitions apply for absent family members:

- Temporarily Absent: A family member that is absent or expected to be absent for ~~18090~~ consecutive days or less and continues to be considered in the assisted family composition.
- Permanently Absent: A family member that is absent or expected to be absent from the assisted unit for more than ~~18090~~ consecutive days. This family member is no longer considered toward the assisted family composition. A family member that is permanently absent must be removed from the family composition within 30 calendar days of the determination of permanent absence.

4.13.1 Absent Students

An absent student is defined as a person that is already a member of the assisted family composition who attends school on a full-time basis away from home.

The person is no longer considered an absent student when HANO determines the student has established a separate household. In determining whether the student established a separate household, HANO may consider factors such as: if the student returns home for the holidays or if the student is financially independent. If a student has established a separate household, the student must be removed from the assisted family.

4.13.2 Absences Due to Placement in Foster Care

24 CFR 5.403

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

If a child has been placed in foster care, HANO will verify with the appropriate agency whether and when the child is expected to return to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

4.13.3 Absent Head, Spouse, or Co-head

An employed head, spouse, or co-head absent from the unit more than ~~18090~~ consecutive days due to employment will

continue to be considered a family member and must not be removed from the household.

4.13.4 Family Members Permanently Confined for Medical Reasons HCVP GB, p. 5-22

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member, the income of that person is not counted, and that person should be removed from the household.

HANO will request verification from a responsible medical professional and will use this to make a determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

4.13.5 Return of Permanently Absent Family Members

The family must request HANO approval for the return of any adult family members that HANO has determined to be permanently absent. The Director will make a determination on a case-by-case basis. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

4.14 LIVE-IN AIDE

A live-in aide is a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the person(s); and
- Would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

HANO must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c)].

Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. A relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

A family's request for a live-in aide must be made in writing.

Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member.

~~For continued approval, the family must submit a new, written request that is subject to HANO verification at each annual reexamination.~~

The family and live-in aide will be required to submit a certification stating that the live-in aide is not providing financial support to the person(s) needing the care.

Examples of individuals who would not qualify as a live-in aide include a non-custodial parent attempting to be a live-in aide for their disabled child receiving assistance under HANO HCV program or a non-custodial parent attempting to be a live-in aide for a household that contains their minor child.

A live-in aide must be a person who would not be living in the unit except to provide the necessary supportive services.

HANO will not approve a particular person as a live-in aide, and may withdraw such approval if any of the following occurs:

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity;

When an applicant currently owes HANO, other housing authorities, or other assisted housing programs money from previous public or assisted housing residency or HCV program participation, HANO will require that the entire amount be paid in full prior to allowing the applicant admission or re-admission to the HCV Program or require evidence of a current repayment agreement. HANO will allow an applicant 30 calendar days to pay any prior debt or provide evidence of a current repayment agreement before withdrawing the applicant. HANO will verify repayment agreements with other PHAs.

For purposes of this chapter, “current” means amounts owed to HANO during the last 6 years or such other period for which the statute of limitations has not tolled in Louisiana or other applicable jurisdiction. For example, if an applicant’s participation in an assisted program was ended in 2007 due to debts owed, and the applicant never repaid such amounts and applies for the HCV program in 2011, then a “current” debt is owed. If the applicant’s participation in an assisted program ended in 1985 for the same reason, that debt could not be considered “current” unless applicable law permitted.

HANO will consider debt that is not “current” (as defined above) as part of a history of non-payment and may deny admission to a household if there is other evidence of a history of non-payment and/or other eligibility factors, when taken as whole, that render a household ineligible for admission.

4.23.9 Screening For Suitability as a Tenant

24 CFR 982.307

HANO will not conduct additional screening to determine an applicant family’s suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner’s unit. Factors an owner may consider when determining a family’s suitability to rent include the follow:

- Credit history;
- Rental payment history; or
- Previous references from landlords.

HANO must provide prospective owners with the family's current and prior address (as shown in HANO records) and the name and address (if known) of the owner at the family's current and prior addresses, ~~no later than at the time of the initial HQS inspection.~~

HANO will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

4.24 DENIAL OF ASSISTANCE

24 CFR 982.552(a)(2); HCVP GB, p. 5-35

A family that does not meet the income, citizenship, or criminal records eligibility criteria discussed above in this chapter will be denied assistance. HANO may deny assistance based on certain types of current or past behaviors of family members as described below.

4.24.1 Forms of Denial

Denial of assistance may include the following:

- Not placing the family's name on the waiting list.
- Denying or withdrawing a voucher.
- Not approving a request for tenancy or refusing to enter into a HAP contract.
- Refusing to process a request for or to provide assistance under portability procedures.

4.24.2 Prohibited Reasons for Denial of Program Assistance

24 CFR 982.202(b), Pub. L. 109-162

HANO will maintain a single waiting list for the tenant-based HCV program. A family's decision to apply for, receive, or refuse other housing assistance will not affect the family's placement on the HCVP waiting list.

5.3.2 Opening the Waiting list

24 CFR 982.206, HCVP GB, pp. 4-11,

Waiting list opening dates and rules will be made public through various media sources across the City of New Orleans prior to commencement of acceptance of applications. In compliance with US Department of Housing and Urban Development Fair Housing requirements, notices will specify who may apply and how and when applications will be received and the specific method used to determine placement order on the waiting list. HANO will also provide notice to community stakeholders, the Resident Advisory Board (RAB), will post notice in all of its offices, and will post any information about the opening of the waiting list on its website.

5.3.3 Closing the Waiting list

HANO may close the waiting list if it has an adequate pool of families to use its available HCVP assistance.

5.4 FAMILY OUTREACH

HCVP GB, pp. 4-2 to 4-4

HANO will conduct outreach as necessary to ensure that HANO has a sufficient number of applicants on the waiting list to use the HCVP resources it has been allotted.

HANO outreach efforts will comply with fair housing requirements [HCVP GB, p. 4-20 to 4-21].

HANO outreach efforts are designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and fliers to distribute to other agencies
- Providing ~~application forms~~information on how to apply to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities, the homeless, and/or other special populations.

5.5 REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must inform HANO of changes in contact information, including current residence, mailing address, and phone number. ~~The changes must be submitted in writing.~~

5.5.1 Change in the Head of Household while on the Waiting list

If the original head of household changes while the family is on the waiting list, (i.e. the head of household leaves the family or there is a switch in head of household) the family must complete and update their application to identify the new head of household. HANO may allow the family to keep their initial date and time of application if the new head of household is the spouse or co-head identified in the initial pre-application.

If the new head of household is anyone other than the spouse or co-head listed on the initial application for lottery entry, HANO will determine whether the household will lose placement on the waiting list and must reapply.

5.5.2 Family Break-Up or Split Households

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if

If HUD awards HANO program funding that is targeted for families living in specified units, HANO must use the assistance for the families living in these units. Families who qualify are placed on the waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria. HANO must maintain records showing that the family was admitted with HUD- targeted assistance or via special admission. Special admissions may include:

- A family displaced because of demolition or disposition of a public housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 et seq.);
- A non-purchasing family residing in a project subject to a homeownership program (under 24 CFR 248.173);
- A family displaced because of mortgage prepayment or voluntary termination of a mortgage insurance contract (as provided in 24 CFR 248.165);
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term;
- Previously assisted PBV families;
- Project-based Section 8 HAP contract vouchers at or near end of HAP contract term that convert to tenant-based vouchers; or
- Any family in good standing that has had its voucher rescinded or has been terminated from the HCV program due to insufficient program funding subject to the policies in the section on Order of Selection from the Waiting List.

5.9 LOCAL PREFERENCES

HANO has established local preferences for the HCV program as described below.

5.9.1 Homeless, Disabled and Victims of Domestic Violence

24 CFR 982.202(a); 24 CFR 982.207(a); PIH Notice 2013-15

In an effort to reduce the homeless population and the population at-risk of homelessness in New Orleans, and to affirmatively further the goals of fair housing, based on funding availability, HANO may provide vouchers, to eligible families who are homeless, disabled and/or victims of domestic violence. Upon approval of vouchers, for this local preference, HANO will enter into a Memorandum of Understanding (MOU) by and between HANO and each partner agency. The MOU will define the criteria for eligibility for this local preference; however, to ensure compliance with HUD regulation 24 CFR 982.202(a) and 207(a), the parameters of each MOU will be added to the plan. HANO has two current MOUs with UNITY of Greater New Orleans and the New Orleans Family Justice Center.

HANO's current MOU with UNITY of Greater New Orleans is also in association with the New Orleans Equity and Inclusion Initiative and is valid through November 10, 2020. To operate this MOU, HANO has established a local preference for one-hundred (100) chronically homeless individuals and twenty (20) vulnerable homeless families with children who are referred by UNITY of Greater New Orleans. This preference for chronically homeless and homeless families with children is limited to families who are referred to HANO by UNITY of Greater New Orleans. Upon the expiration of this MOU, HANO intends to convert this into an established local preference for one-hundred twenty (120) vouchers each year that will be evaluated for renewal annually.

HANO's MOU with the New Orleans Family Justice Center is targeted at serving survivors of domestic violence and is valid through July 21, 2020, with the possibility of an extension of one year. To operate this MOU, HANO has established a local preference for fifty (50) eligible families who are survivors of domestic violence, dating violence, stalking, or sexual assault and are homeless or at risk of becoming homeless. This local preference is limited to survivor households who are referred to HANO by the New Orleans Family Justice Center. Upon the expiration of this MOU, HANO will

convert this into an established local preference for fifty (50) vouchers each year that will be evaluated for renewal annually.

Subject to funding availability, HANO will provide a local homeless preference of up to two-hundred twenty five (225) vouchers for eligible individuals and families associated referred by UNITY of Greater New Orleans in partnership with the City of New Orleans. Priority will be given to the following individuals and families who are identified as having a high need for permanent, deep rental subsidy and have been determined to be able to live independently or with appropriate supportive services to allow for independent living: (1) individuals and families who were provided temporary housing in hotels as part of the emergency response to the COVID-19 health crisis by the City of New Orleans, State of Louisiana, and the Continuum of Care (CoC); (2) unsheltered individuals and families who are determined to be at risk during the pandemic; and (3) individuals and families with children currently living in emergency shelters within Orleans Parish or those who are working or have been hired to work in Orleans Parish.. As part of the implementation of this preference, HANO entered into an MOU with the City of New Orleans and UNITY of Greater New Orleans with a term of one year and an option of a one year extension.

5.9.2 Preference for Individuals and Families who are Moving On

Subject to funding availability, HANO will provide a local Moving On Program preference for eligible individuals and families graduating from Permanent Supportive Housing (PSH) or Rapid Re-Housing (RRH) programs of up to one-hundred thirty (130) vouchers annually. Local homeless service providers operating Continuum of Care (CoC) programs will screen interested PSH and RRH tenants using an assessment created by UNITY of Greater New Orleans (the community's CoC lead agency) with input from HANO, and will send referrals to UNITY, which will process applicants to ensure eligibility for Moving On. UNITY will make referrals to HANO of individuals and families in PSH and RRH that have been pre-screened for eligibility for the HCV program, are stable, and do not need wraparound services to maintain housing. [Per HUD Notice PIH 2013-15](#), issuing these households tenant-based vouchers will significantly contribute to community efforts to end homelessness by creating vacancies in Continuum of Care programs that can serve individuals and families experiencing homelessness. At its discretion, the PHA will annually evaluate whether to renew this preference.

5.9.3 Preference for Families with Children for Mobility Demonstration Vouchers

As part of HANO's Community Choice Demonstration, HANO will provide a preference of seventy-four (74) Mobility Demonstration Vouchers (MDVs) and thirty-seven (37) turnover vouchers for eligible families with children. To meet this preference, each family must have at least one child aged 13 or under and live in a census tract with a family poverty rate of thirty (30) percent or higher. If HANO does not have enough families that meet this preference, the agency will select the next available family with at least one child aged 17 or under from the waiting list. These one hundred eleven (111) families will be enrolled in the demonstration and admitted to the Housing Choice Voucher Program over a five year period.

5.9.4 Preference for Non-Elderly Persons with Disabilities

HANO will provide a local preference for up to ninety-nine (99) non-elderly persons with disabilities who are:

- Transitioning out of institutional and segregated settings;
- At serious risk of institutionalization;
- Homeless;
- At risk of becoming homeless; or
- Graduating from Permanent Supportive Housing or Rapid Re-Housing programs and are Moving On.

To meet this preference the applicant household must have at least one family member who is a non-elderly person with a disability and fall into one of the categories above, which are further defined in the glossary.

A household where the sole member is an emancipated minor would not be eligible under this preference.

~~5.9.5 Disaster Preference for Victims of Hurricane Laura and Delta~~

~~Subject to funding availability, HANO will provide a local homeless preference of up to two hundred fifty (250) vouchers for eligible individuals and families who have been rendered homeless or at risk of becoming homeless by Hurricane Laura and/or Delta. Priority will be given to the following individuals and families: (1) individuals and families who are living in emergency shelters in the State of Louisiana; (2) unsheltered individuals and families who are determined to meet the HUD definition of homeless; and (3) individuals and families who have been determined to meet the HUD~~

~~definition of at risk of becoming homeless. Individuals and families applying for this local preference must provide verification that they were living in the areas affected by Hurricane Laura and/or Delta, and certify that they are living in an emergency shelter, otherwise homeless, or at risk of becoming homeless.~~

~~5.9.6 Disaster Preference for Victims of Hurricane Ida~~

~~Subject to funding availability, HANO will provide a local homeless preference of up to one hundred (100) vouchers for eligible individuals and families who have been rendered homeless or at risk of becoming homeless by Hurricane Ida. Individuals and families applying for this local preference must provide verification that they were living in the areas affected by Hurricane Ida and that they are living in an emergency shelter, otherwise homeless, or at risk of becoming homeless. HANO will be accepting direct referrals from the Multi-Agency Shelter Transition Team (MASTT), a consortium of local, state, and federal agencies addressing homelessness.~~

~~5.9.7~~ **5.9.5 Public Housing Residents Who Have Completed First Time Homebuyer Training and Are Lender Ready**

Subject to funding availability, HANO will provide a local preference to the Housing Choice Voucher program for up to 25 HANO public housing residents per fiscal year who have completed first time homebuyer training and financial fitness courses and are lender ready. Prior to admission, applicants claiming this preference will be subject to the following requirements:

- Verification of the completion of first time homebuyer training courses and financial fitness courses is required.
- Application for the Housing Choice Voucher Program must be made within 30 days of the completion of lender readiness.
- The family must meet all eligibility criteria for admission to the Housing Choice Voucher Program. Households who qualify for this Preference are placed on the Waiting List.

If there is more than one household on the waiting list for this preference, household will be selected from the Waiting List based on date and time of application. The HCVP waiting list will remain open at all times for clients claiming this preference unless HANO specifically states otherwise through a public notice.

5.10 INCOME TARGETING

24 CFR 982.201(b)(2)

For HCV program vouchers, HANO will ensure that at least 75 percent of the families assisted are extremely low-income families, as defined in section 3(b)(2) of the 1937 Housing Act [24 CFR 982.4(b)].

Extremely low-income families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, HANO may skip non-extremely low-income families on the waiting list in order to select an extremely low-income family.

Certain low-income families admitted to the program are not counted for income targeting [24 CFR 982.201(b)(2)(iv)]:

- Families that are “continuously assisted” under the 1937 Housing Act; and
- Low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.

5.11 NOTIFICATION OF SELECTION

HANO will notify the family when it is selected from the waiting list. The notice will inform the family of:

- The date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview;

HANO will notify the family of its determination and the family of their right to request an informal hearing.

6.2.3 Occupancy Standards - Project-Based Voucher (PBV) Units

HANO applies the subsidy standards as outlined in this chapter for PBV units. The occupancy standards shall be applied consistently for all families of like size and composition; however, HANO may allow reasonable exceptions if justified by age, sex, health or disability. Such exceptions must be documented in the tenant's file. HANO also may allow reasonable exceptions for a PBV unit if the exception is justified by lack of eligible families to lease four bedroom units or larger unit size vacancies. This exception will only be permitted for turnover vacancies and not for initial lease up at a PBV property. The PBV owner must certify that a diligent effort to conduct outreach and select eligible families to fill these unit sizes was made and no eligible families were found. This exception may allow the family's determined unit size to be one less than the four bedroom units or larger unit sizes. Any family that occupies a unit that is larger than the calculated size needed based on their family composition must sign a form detailing that if an eligible family is found who does qualify for that unit size, they will be required to relocate.

6.2.4 Temporarily and Permanently Absent Family Members

Generally, an individual who is or is expected to be absent from the assisted apartment for less than ~~180~~90 consecutive days is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted apartment for more than ~~90~~180 consecutive days is considered permanently absent and is no longer a family member. Exceptions to this general policy are reviewed on a case by case basis.

6.2.5 Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to HANO indicating that the student has established a separate household or the family declares that the student has established a separate household (See Chapter: Eligibility).

6.2.6 Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family. If a child has been placed in foster care, HANO will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member (see Chapter on Eligibility).

6.2.7 Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, HANO will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

6.2.8 Absent Family

24 CFR 982.312

If all family members are absent from a unit for more than ~~180~~90 consecutive days per calendar year Housing Assistance payments will cease and the HAP contract and lease will terminate.

6.2.9 Family Composition

The composition of the assisted family residing in the unit must be approved by HANO. The family must promptly notify HANO in writing of the birth, adoption, or court-awarded custody of a child. The family must request HANO approval to add any other family member as an occupant of the unit.

- The request to add a family member must be submitted in writing and approved prior to the person

CHAPTER 8: INCOME AND SUBSIDY DETERMINATIONS

8.1 HOUSEHOLD COMPOSITION AND INCOME

24 CFR 5.609

Income received by all family members may be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded by Person	
Live-in aides	Income from all sources is excluded.
Foster child or foster adult	Income from all sources is excluded.
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse, or co-head)	Employment income above \$480/year is excluded. All other sources of income, except those specifically excluded by the regulations, are included.

8.1.1 Temporarily Absent Family Members

24 CFR 5.609(a)(1); HCVP GB, p. 5-18

An individual who is or is expected to be absent from the assisted unit for ~~180~~ consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than ~~180~~ consecutive days is considered permanently absent and no longer a family member.

Exceptions to this general policy are discussed below:

8.1.2 Absent Students

When someone who has been considered a family member attends high school or college away from home, the person may continue to be considered a family member unless information becomes available to HANO indicating that the student has established a separate household or the family declares that the student has established a separate household.

8.1.3 Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

If a child has been placed in foster care, HANO may verify with the appropriate agency whether and when the child is expected to return to the home. Unless the agency confirms that the child has been permanently removed from the home, the child may be counted as a family member.

8.1.4 Absent Head, Spouse, or Co-head

An employed head, spouse, or co-head absent from the unit more than ~~180~~ consecutive days due to employment may continue to be considered a family member.

8.1.5 Absent Family Members Permanently Confined for Medical Reasons

HCVP GB, p. 5-22

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted. HANO may request verification from a responsible medical professional and may use this determination. If the

responsible medical professional cannot provide a determination, the person generally may be considered temporarily absent.

The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

When an individual who has been counted as a family member is determined permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or co-head qualifies as an elderly person or a person with disabilities.

8.1.6 Absent Family Members Due to Incarceration

If a family member is in jail for longer than ~~90calendar~~180 calendar days, the family member will be considered permanently absent and must be removed from the household.

8.1.7 Joint Custody of Dependents

Dependents that are subject to a joint custody arrangement may be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time.

When more than one applicant or participant family is claiming the same dependents as family members, the family with legal custody at the time of the initial examination or reexamination (annual or interim) will be able to claim the dependents. If there is a dispute about which family will claim the dependents, HANO's HCVP Program Director will make a case-by-case determination based on the following factors:

- Documentation of court-ordered custody;
- Evidence of filing for court ordered custody;
- Custody by mandate;
- Name listed on the dependent's birth certificate for either father or mother;
- Medical Records;
- School Records; and
- IRS tax returns.

8.1.8 Caretakers for a Child

If neither a parent nor a designated guardian remains in a household receiving HCVP assistance, HANO may take the following actions.

- If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker may not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker may be treated as a visitor for 90 consecutive days. After the 90 consecutive days has elapsed, the caretaker may be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases HANO may extend the caretaker's status as an eligible visitor.
- At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher may be transferred to the caretaker.
- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

- For hardship conditions based on loss of income, the hardship condition may continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship may continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.
- For hardship conditions based upon hardship-related expenses, the minimum rent exemption may continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

8.21 APPLYING UTILITY ALLOWANCES

24 CFR 982.517

A HANO-established utility allowance schedule is used in determining family share and HANO subsidy. HANO may use the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by a family or the voucher size issued which the family qualifies using HANO subsidy standards.

8.21.1 Reasonable Accommodation

HCVP program regulations require HANO to approve a utility allowance amount higher than shown on HANO's schedule, if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, HANO may approve an allowance for air-conditioning, even if HANO has determined that an allowance for air-conditioning generally is not needed.

The family must request the higher allowance and provide HANO with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required [HCVP GB, p. 18-8].

In cases where the unit size leased exceeds the family unit size as determined under the PHA subsidy standards as a result of a reasonable accommodation, HANO will use the appropriate utility allowance for the lower of the size of the dwelling unit actually leased by the family or the voucher size as determined by the approved reasonable accommodation.

8.21.2 Utility Allowance Revisions

At reexamination, HANO shall use its current utility allowance schedule.

Revised utility allowances may be applied to a family's rent and subsidy calculations at the first ~~interim or~~ annual reexamination that is effective after the allowance is adopted.

8.22 PRORATED ASSISTANCE FOR MIXED FAMILIES

24 CFR 5.520

HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members.

HANO may prorate the assistance provided to a mixed family.

HANO may first determine assistance as if all family members were eligible and then prorate the assistance based upon the percentage of family members that actually are eligible.

Example: If HANO's subsidy for a family is calculated at \$500 and two of four family members are ineligible, HANO subsidy would be reduced to \$250.

10.4.7 Notice and Scheduling

The family must allow HANO to inspect the unit at reasonable times and with reasonable notice.

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be no less than 48 hours. In the case of a life-threatening emergency, HANO will give as much notice as possible, given the nature of the emergency.

10.4.8 Owner and Family Inspection Attendance

When a family occupies the unit at the time of inspection, an authorized adult must be present for the inspection. The presence of the owner or the owner's representative is encouraged, but is not required.

At initial inspection of a vacant unit, HANO will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is permitted, but is not required.

10.4.9 Initial HQS Inspection

24 CFR 982.405(a)

HANO will complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within a reasonable time from submission of the Request for Tenancy Approval (RFTA).

If any HQS violations are identified, the owner will be notified of the deficiencies and be given 15 calendar days in which to correct them. If requested by the owner, the time frame for correcting the deficiencies may be extended by HANO for good cause. HANO will re-inspect the unit within a reasonable time after the owner notifies HANO that the required corrections have been made.

If the time period for correcting the deficiencies (or any HANO-approved extension) has elapsed, and the unit fails HQS at the time of the re-inspection, HANO will notify the owner and the family that the unit has been rejected and that the family must search for another unit. HANO may agree to conduct a second re-inspection, for good cause, at the request of the family and owner.

Following a unit disapproval, the family may submit a new Request for Tenancy Approval for the unit, if the family has not found another unit by the time the owner completes all repairs and the family continues to wish to live in the unit.

10.4.10 Biennial Inspections

24 CFR 982.405(a)

Biennial inspections are conducted at least once per two calendar years, and after the unit has been initially inspected. To qualify for Biennial inspections, a unit must have met the following conditions:

- Received at least two consecutive years of passing scores on the first inspection attempt for annual HQS inspections.
- ~~Unit has not~~ If HANO has been notified that a unit has been found in HQS violation within the past year of any health and/or safety deficiencies by HANO, the City of New Orleans, or Louisiana Housing Corporation (LHC), the agency reserves the right to require annual inspections, for the following programs:
 - a. ~~Low Income Housing Tax Credit (LIHTC) Program; and~~
 - b. ~~HOME Rental Housing Program~~

10.4.11 Annual Inspections

24 CFR 982.405(a)

Annual inspections are conducted at least once per calendar year and after the unit has been initially inspected. A unit will be inspected annually when the unit does not meet the qualifications for Biennial Inspections, and matches at least one of the following conditions:

- A determination by HANO that the unit’s inspection history or HQS violation deficiency would classify the unit as a more marginal or higher-risk unit.
- A discretionary administrative determination made by the Executive Director or his designee.
- HANO has been notified of a failed inspection-inspection conducted by the City of New Orleans or LHC in the past year.

10.4.12 Notification of Inspections

HANO will send notification to property owners and tenants prior to scheduled annual or biennial inspections reminding them of requirements for compliance with HQS.

10.4.13 Special Complaint Inspections

HCVP GB pp. 10-30

HANO will conduct a special inspection if the owner, family, or a third party reports possible HQS violations in the unit.

During a special inspection, HANO generally will inspect only those deficiencies that were reported; however, the inspector may record any additional HQS deficiencies that are observed and may require the responsible party to make the necessary repairs.

If the annual inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled, HANO may elect to conduct a full annual inspection.

10.4.14 Quality Control Inspections

24 CFR 982.405(b)

A HANO supervisor or other qualified person will conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of HQS.

The unit sample will generally include units that have been inspected within the preceding 3 months. The selected sample will include:

- Each type of inspection (initial, annual, and special);
- Inspections completed by each inspector; and
- Units from a cross-section of neighborhoods.

10.4.15 Life Threatening/Emergency Conditions

24 CFR 982.404(a)

Emergency HQS violations will cover only those situations that are determined to be exigent health and safety issues, i.e. those situations that pose an immediate threat to the life, health, or safety of tenants or that are related to fire safety hazards. When emergency HQS violations are identified, HANO will immediately notify both the owner and tenant. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within the required time period per HANO’s notice.

Emergency violations include, but are not limited to:

- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling;
- Natural or LP gas or fuel oil leaks;
- Any electrical problem or condition that could result in shock or fire;
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit;
- Utilities not in service, including no running hot water;

- Any local or state rent subsidy;
- Section 202 supportive housing for the elderly;
- Section 811 supportive housing for persons with disabilities;
- Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or
- Any other duplicative Federal, State, or local housing subsidy, as determined by HUD. For this purpose, “housing subsidy” does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

12.7 HOUSING QUALITY STANDARDS (HQS)

24 CFR 982.305 and 24 CFR 982.401

In order to be eligible, the dwelling unit must be in decent, safe, and sanitary condition. This determination is made using HUD’s Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD [See Chapter 10 on HQS for a full discussion of the HQS standards, as well as the process for HQS inspection].

12.8 UNIT SIZE

24 CFR 982.402(d)

~~In order to be eligible, the dwelling unit must be an appropriate size for the number of persons in the household. Exceptions to this policy will be reviewed on a case-by-case basis. The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size; however, the unit must meet applicable HQS space requirements.~~

The family may lease an otherwise acceptable unit with more bedrooms than the family unit size, as long as the contract rent for the unit is affordable for the family, according to 12.10: Rent Burden.

12.9 RENT REASONABLENESS

24 CFR 982.305, 24 CFR 982.507

In order to be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises. See the Chapter on Rent Reasonableness for a full discussion of rent reasonableness policies.

12.10 RENT BURDEN

24 CFR 982.508

Where a family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the dwelling unit rent must be at a level where the family’s share of rent does not exceed 40 percent of the family’s monthly adjusted income.

12.11 LEASE AND TENANCY ADDENDUM

24 CFR 982.308

The family and the owner must execute and enter into a written lease for the assisted unit. This written lease is a contract between the tenant family and the owner; HANO is not a party to this contract.

The tenant must have legal capacity to enter a lease under state and local law. “Legal capacity” means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

HANO may provide a model or standard dwelling lease for owners to use in the HCV program. The assisted dwelling lease should contain all of the required information as listed below:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, and any other information needed to identify the contract unit);

HANO may approve a utility allowance amount higher than shown on HANO's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability.

14.5 APPLICATION OF UTILITY ALLOWANCES

24 CFR 982.517(d), HCVP GB, p. 12-5

At lease-up and regular reexamination, HANO will apply the utility allowance in effect on the effective date of the ~~lease-up certification~~.

~~At regular reexamination, HANO will apply the utility allowance in effect on the effective date of the reexamination.~~

~~At interim reexamination, HANO will apply the utility allowance in effect on the effective date of the interim reexamination.~~

The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner or in HANO's utility allowance schedule.

When there are changes in the utility arrangement with the owner, HANO will use the utility allowances in effect at the time the new lease and HAP contract are executed.

Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual ~~or interim~~ reexamination after the allowance is adopted.

14.6 SINGLE ROOM OCCUPANCY UTILITY ALLOWANCES

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

15.3.2 Notification of and Participation in the Annual Reexamination Process

Notice PIH 2012-9

~~Generally, HANO will have families participate in an annual reexamination interview, attended by the head of household and all adult household members. For elderly and disabled families, HANO will only require the head of household and adult household members to come into HANO's office on alternate years. On the years that the family is not required to attend an in-person interview, HANO will mail recertification packets for the family to complete at home and return to HANO within ten (10) business days. If participation in an in-person interview poses a hardship because of a family member's disability, the family may contact HANO to request a reasonable accommodation. HANO may allow complete reexaminations by mail. HANO may conduct annual reexamination interviews in person, via mail or telephone, or virtually. If the option utilized by HANO poses a hardship because of a family member's disability, the family may contact HANO to request a reasonable accommodation.~~

If a family fails to attend two scheduled interviews or fails to return the ~~mail-out~~ recertification packet after two notifications without HANO approval or if the notice is returned by the post office with no forwarding address, a notice of termination will be sent to the family's address of record and to any alternate address provided in the family's file.

15.3.3 Conducting Annual Reexaminations

24 CFR 982.551(b)

As part of the annual reexamination process, families are required to provide updated information to HANO regarding the families:

- Income;
- Expenses; and
- Composition.

The information provided by the family generally will be verified [See the Chapter 9: Verification for policies].

Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis, including:

- Legal identity;
- Age;
- Social security numbers;
- A person's disability status; and
- Citizenship or immigration status.

15.3.4 Determining Ongoing Eligibility of Certain Students

24 CFR 982.552(b)(5), 24 CFR 5.612

During the annual reexamination process, HANO will determine the ongoing eligibility of each student who is subject to eligibility restrictions by reviewing the student's individual income as well as the income of the student's parents. If the student has been determined "independent" from his or her parents, the parents' income will not be reviewed.

If the student is no longer income-eligible based on his or her own income or the income of his or her parents, the student's assistance will be terminated.

If the student continues to be income-eligible based on his or her own income and the income of his or her parents (if applicable), HANO will process a reexamination in accordance with the policies in this chapter.

15.3.5 Criminal Background Checks

month following the end of the 30-day notice period.

If the family causes a delay in processing the reexamination, increases in the family share of the rent will be applied retroactively to the scheduled effective date of the reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement at the discretion of HANO.

15.3.10 Decreases in Rent

In general, a decrease in the tenant rent that results from a reexamination will take effect on the family's anniversary date.

If the family causes a delay in processing the reexamination, decreases in the family share of the rent will be applied prospectively from the first day of the month following completion of the reexamination processing.

15.3.11 Delays in Reexamination Processing

A delay in reexamination processing is defined as delays considered to be caused by the family by the family failing to provide information requested by HANO by the date specified and/or failing to attend scheduled reexamination interviews without good cause. These delays prevent HANO from completing the reexamination as scheduled.

15.4 STANDARD FOR TIMELY REPORTING OF CHANGES

HANO requires that families report interim changes described in this Administrative Plan to HANO within 10 business days from the date the change occurred. Any information, document, or signature needed from the family to verify the change must be provided within 10 business days from the date the change occurred, unless another time frame is specified.

If the change is not reported within the required time period or if the family fails to provide signatures, certifications, or documentation in the time period required by HANO, it will be considered program non-compliance and may result in the family entering into a repayment agreement with HANO or subject the family to termination from the program.

15.5 INTERIM REEXAMINATIONS

24 CFR 982.516, HCVP GB, p. 12-10

Family circumstances may change throughout the period between regular reexaminations. HUD and HANO policies dictate what kinds of information about changes in family circumstances must be reported and under what circumstances HANO will process interim reexaminations to reflect those changes. HUD regulations also permit HANO to conduct interim reexaminations of income or family composition at any time.

An interim reexamination does not affect the date of the regular reexamination.

15.5.1 Frequency of Reexamination

Households have no restrictions on the frequency of interim reexaminations.

If there are changes in a family's income, household composition, or eligible deductions between regularly scheduled reexaminations, an interim reexamination may be conducted.

During an interim reexamination, HANO will verify only the items that have changed and will require families to complete either the ACO or other acceptable forms.

During an interim reexamination, HANO will apply the utility allowance ~~in effect at the effective date of the interim~~ and the payment standard in effect at the last regular reexamination. For application of payment standards and utility allowance during reexamination *see Chapter 14: Payment Standards and Utility Allowances in Sections 14.2.4, 14.2.5, and 14.5.*

HANO may require participating households to complete an interim reexamination and/or interim verifications at additional times to ensure that the participant is in compliance with program requirements.

15.5.2 Family Requests for Interim Reexaminations

24 CFR 982.516(c)

15.5.14 Notification of New Family Share and HAP Amount

HCVP GB, p. 12-6, 24 CFR 982.555(a)(1)(i)

HANO will notify the owner and family of any changes in the amount of the HAP payment. The notice will include the following information:

- The amount and effective date of the new HAP payment;
- The amount and effective date of the new family share of the rent; and
- The amount and effective date of the new tenant rent to owner.
- Notification that the family may request an informal hearing to review this rent determination.

15.5.15 Notice to Ineligible Families

HANO will give the participant prompt written notice of a decision that the family has been determined to be ineligible for continued program participation. The written notice will contain a statement on the reason for the ineligible decision. The notice will include information related to requesting an informal hearing in the event that the participant does not agree with the determination. Participants will be informed that a request for an informal hearing must be in writing and must be received by HANO within 10 business days of the date of the HANO notification letter.

15.5.16 Discrepancies

During a regular or interim reexamination, HANO may discover that information previously reported by the family was in error or that the family intentionally misrepresented information. In addition, HANO may discover other errors made. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the Program Integrity policies in this Administrative Plan. *See the chapter on Program Integrity, Sections 20.7, 20.11, 20.12, and 20.14.*

15.5.17 Absence from the Unit

Absence means that no member of the family is residing in the unit.

The family must supply any information or certification requested by HANO to verify that the family is living in the unit or relating to family absence from the unit. HANO may review on a case-by-case basis circumstances which dictate a family's absence from the unit. HANO's established policies on absence from the unit include the following:

- The family may be absent from the unit for brief periods.
- An entire household may not be absent from the unit for a period of more than ~~180~~ consecutive days for any reason.

Housing assistance payments and the HAP contract terminate if the family is absent for longer than ~~180~~ consecutive days. The owner must reimburse HANO for any Housing Assistance payments received for the period after the termination.

To verify family occupancy or absence, HANO may send letters to the family at the unit, make telephone calls, visit the unit, and/or conduct other appropriate inquiries.

The family must remain in compliance with the terms of the HCV program and their assisted lease during any absence from the unit.

15.5.18 Remaining Members of the Tenant Family

Participant families who separate while being assisted under the tenant-based programs will be assessed on a case-by-case basis to determine which family members remain assisted under the program. HANO policy is as follows:

- The head, co-head, or remaining family member of the household who has full legal custody of any

CHAPTER 19: TERMINATION OF ASSISTANCE AND TENANCY

19.1 OVERVIEW

This chapter presents the policies that govern voluntary and involuntary terminations of assistance, and termination of tenancy by the owner.

19.2 GROUNDS FOR TERMINATION OF ASSISTANCE

19.2.1 Termination of Assistance Due to Zero HAP

24 CFR 982.455

As a family's income increases, the amount of HANO subsidy goes down. If the amount of HCVP assistance provided by HANO drops to zero and remains at zero for 180 consecutive calendar days the family's assistance terminates automatically.

If a participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero, the family must notify HANO of the changed circumstances and request an interim reexamination before the expiration of the 180-day period.

19.2.2 Family Chooses to Terminate Assistance

If a family seeks to terminate assistance, the request can be made at any time. The request to terminate assistance should be made in writing and signed by the head of household or co-head.

19.2.3 Termination Due to Permanent Absence from Unit

24 CFR 982.312, 24 CFR 983.256(g)

HANO must terminate the family's assistance ~~whenever a family has been absent from a unit greater than 90 days when a family is deemed permanently absent~~. Under no circumstances or any reason must the family be absent for a period of more than 180 consecutive calendar days. The HAP will terminate when the family is permanently absent. The HAP will not terminate when a family is permanently absent from a PBV unit.

19.2.4 Termination Due to Eviction

24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)

HANO will terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. In the case of victims or threatened victims of violence or stalking, incidents of actual or threatened domestic violence, dating violence, sexual abuse, or stalking may not be construed as serious or repeated violations of the lease by the victim/threatened victim.

A family will be considered evicted if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary. If HANO moves after the owner has given the family an eviction notice but before a legal eviction order has been issued, HANO will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance. Upon consideration of circumstances and factors, HANO may, on a case-by-case basis, choose not to terminate assistance. As an alternative to termination, HANO may require that the household member responsible for the lease violation no longer resides in the unit.

Serious and repeated lease violations will include, but not be limited to:

- Nonpayment of rent;
- Disturbance of neighbors;
- Destruction of property;

19.7.1 Evidence

24 CFR 982.553(c)

HANO will terminate assistance if a ***preponderance of the evidence*** indicates that a household member, **including a juvenile**, has engaged in the activity, regardless of whether the household member has been arrested or convicted.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants **and news reports**.

HANO will pursue fact-finding efforts as needed to obtain credible evidence. Criminal activity that occurred prior to program participation cannot be grounds for termination.

19.2.12 Termination Due to Drug-Related and Violent Criminal Activity

24 CFR 5.100, 24 CFR 982.551(l)

If any household member, **including juvenile members**, is currently engaged in or has engaged in any of the criminal activities outlined in this chapter, the family ~~may be~~ **shall be** terminated.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

HANO ~~will~~ **shall** terminate a family's assistance if any household member, **including juvenile member**, has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

HANO will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity. **HANO will also consider other credible evidence such as police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants and news reports.**

In making its decision to terminate assistance, HANO may consider alternatives and specific circumstances and may, on a case-by-case basis, choose not to terminate assistance.

Case-by-Case analysis

HANO will consider the following three prongs in its determination to terminate assistance based on drug or violent criminal activity of a household member, including a juvenile household member:

1. Has the offender of the activity been removed from the home?
2. Does the household have a history of this type of activity?
3. Whether household members contributed to the offense either willfully or by neglect?

If the offender has been removed from the home and the family does not have a history of this type of offense nor did they contribute to the offense, HANO will determine that assistance should remain.