



10400 Detrick Avenue
Kensington, MD 20895-2484
(240) 627-9425



ADMINISTRATIVE AND REGULATORY COMMITTEE

October 23, 2023

Livestream: <https://www.youtube.com/watch?v=DXfAa9FaiZg>

HOC's offices are now open to the public. The public is invited to attend HOC's October 23, 2023 Administrative and Regulatory Committee meeting in-person. HOC's Board of Commissioners and staff will continue to participate through a hybrid model (a combination of in-person online participation).

Approval of Minutes:

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Minutes

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

10400 Detrick Avenue
Kensington, Maryland 20895
(240) 627-9425

Administrative and Regulatory Committee Minutes

September 7, 2023

For the official record of the Housing Opportunities Commission of Montgomery County, an open meeting of the Administrative and Regulatory Committee was conducted via a virtual platform on Thursday, September 7, 2023 with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland 20895 beginning at 4:00 p.m. There was a livestream of the meeting held on YouTube, available for viewing [here](#). Those in attendance were:

Present via Zoom

Frances Kelleher- Chair
Pamela Byrd – Commissioner
Linda Croom – Commissioner

Chelsea Andrews, Executive Director
Kayrine Brown, Deputy Executive Director
Lynn Hayes
Meta Lim
Ken Silverman
Ahu Manafi
Lucinda Scott
Sean Asberry

Ellen Goff
Michel Ruth
Darcel Cox
Elliot Rule
Tim Goetzinger
Lynn Hayes
Heather Grendze
Morgan Tucker

IT Support

Aries Cruz, IT Support

Commission Support

Jocelyn Koon, Senior Executive Assistant

Commissioner Kelleher provided opening remarks and introduced Commissioner Pamela Byrd and Commissioner Croom.

APPROVAL OF MINUTES

The minutes of June 20, 2023 Administrative and Regulatory Committee meeting was approved upon a motion by Commissioner Byrd and seconded by Commissioner Croom. Affirmative votes were cast by Commissioners Kelleher, Croom, and Byrd.

DISCUSSION/ACTION ITEMS

1. Authorization to Adopt a New Policy for the Administration of 25 Housing Stability Vouchers in Response to HUD PIH Notice 2022-24

Chelsea Andrews, Executive Director, provided an overview and introduced Director of Housing Resources, Lynn Hayes, who provided the detailed presentation. Staff recommended that the Administrative and Regulatory Committee join its recommendation to the Commission that the Executive Director, or her designee, be authorized to adopt a new Stability Voucher (“SV”) Policy for the Housing Opportunities Commission of Montgomery County. Commissioner Kelleher asked staff questions regarding the administration of 25 Housing Stability Vouchers in response to HUD PIH Notice 2022-2024. A motion to support the staff recommendation was made by Commissioner Byrd and seconded by Commissioner Croom. Affirmative votes were cast by Commissioners Kelleher, Croom, and Byrd.

With no further business before the Administrative and Regulatory Committee, Commissioner Kelleher adjourned the meeting at 4:16 p.m.

Respectfully submitted,

Chelsea Andrews
Secretary-Treasurer

/jlk

MEMORANDUM

TO: Housing Opportunities Commission
Administrative and Regulatory Committee

VIA: Chelsea Andrews, Executive Director

FROM: Lynn Hayes, Director of Housing Resources Division
Meta Lim, Assistant Director of Housing Resources Division

RE: Authorization to Create a Homeless Preference for the Administration of 42 Incremental Vouchers and Revise Chapter 4 of the HOC Administrative Plan

DATE: October 23, 2023

STATUS: Consent _____ Deliberation X Status Report _____ Future Action _____

OVERALL GOAL & OBJECTIVE:

To authorize the Executive Director, or her designee, to create a housing instability preference for the administration of 42 new incremental Housing Choice Vouchers (“HCVs”) and revise Chapter 4 of the Administrative Plan for the Housing Opportunities Commission of Montgomery County (“HOC”).

BACKGROUND:

The Consolidated Appropriations Act, 2023 makes available \$50 million to award approximately 4,000 new Housing Choice Vouchers (“HCVs”) to Public Housing Agencies (“PHAs”). PHAs with a 2022 leasing utilization rate that is in the highest 25% in the state, or above the national 75th percentile leasing utilization rate of 95.08%, are eligible for a share of the vouchers allocated to their state. HOCs utilization rate at the time of eligibility was 96% which met the minimum qualifications to receive additional vouchers.

HOC received an award from the Department of Housing and Urban Development (“HUD”) to administer 42 Incremental HCVs. HUD strongly encourages PHA’s to establish local preferences consistent with HCV regulations and statute to reach individuals and families experiencing homelessness, at risk of homelessness and survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking. As such, staff recommends that HOC establish a preference solely for individuals and families experiencing homelessness.

Staff will verify the homeless preference by confirming the applicant receives services through the Homeless Management Information System (“HMIS”) database. The HMIS database

maintains information regarding individuals experiencing housing instability throughout Montgomery County, MD.

With the allocation of these 42 Incremental Vouchers to HOC, HUD will provide special administrative fees designed to encourage and support PHAs' efforts to reduce homelessness. HOC will receive a \$250 preliminary set up fee and a \$250 incentive fee for each voucher family experiencing homelessness.

Additionally, staff recommends modifying Chapter 4 of the Administrative Plan to revise the language regarding HOC's HCV "Local Preferences" and "Targeted Funding" selections. For general HCV selections, preference points are awarded to sort the waitlist based on two categories: (1) displacement and (2) the local residency requirement. Thereafter, applicants are selected according to the date/time of the application submission and criteria to fill a specific voucher allocation. These two preferences apply generally to HOC's HCV/PBV program.

Several items previously listed under the "Local Preferences" section were moved to the "Targeted Selection" section because the preferences apply only to specific groups of vouchers. The "Targeted Selection" section now includes only groups of vouchers which require specific preferences and are not considered "Special Admissions". Preferences for these vouchers are only applicable to specific groups of vouchers and not the general HCV program. The 42 Incremental Vouchers have been added to the "Targeted Selection" section of Chapter Four of the Administrative Plan.

Additionally, the "Special Admissions" section of Chapter Four of the Administrative Plan will be adjusted to include all groups of vouchers that require direct referrals and are outside of the general HCV waitlist selection process. The Veterans Administration Supportive Housing ("VASH") vouchers and Stability Vouchers ("SV") will be added to this section of the chapter. The "Special Admissions" section of the Administrative Plan now references groups of vouchers which have preferences for specific individuals/families.

Finally, updates were made regarding the current structure of HOC's waitlist, specifically, the elimination of one general list for all programs. HOC now operates separate waitlists for HCV and PBV. Other waitlist terminology was updated to reflect current waitlist management practices.

As part of the process for making revisions to a PHA's Administrative Plan, public comment is required. Notice of the 30-day comment period and public hearing was published in the Washington Post and Washington Hispanic on September 29, 2023, and September 30, 2023. During the comment period, HOC made a draft of the proposed revisions to the Administrative Plan available on the Agency's website. A public hearing was held on October 30, 2023, on the Administrative Plan revisions. Additionally, HOC staff provided the proposed revisions to HOC's Resident Advisory Board ("RAB"), seeking the RAB's comments and endorsement of these proposed changes.

Staff propose that HOC adopt the discretionary policies listed above and defined in the attached HOC Administrative Plan. Additionally, staff recommends that the ARC endorse the proposed new incremental vouchers policy to promote the community wide commitment of ending homelessness in Montgomery County, Maryland.

ISSUES FOR CONSIDERATION:

Does the Administrative and Regulatory Committee wish to join staff in its recommendation to the Commission that the Executive Director, or designee, be authorized to adopt the 42 new incremental Housing Choice Vouchers and revise Chapter 4 of the HOC Administrative Plan.

PRINCIPALS:

Housing Resources Division

BUDGET IMPACT:

HOC will receive a one-time, preliminary start-up fee of \$250 per allocated voucher. This fee will support the anticipated immediate start-up costs that the HOC will incur and facilitate leasing of these vouchers. HOC will also receive a \$250 incentive fee for vouchers that have been issued to and leased by an individual or family experiencing homelessness.

TIME FRAME:

For discussion by the Administrative and Regulatory Committee at its meeting on October 23, 2023, for Commission action on November 15, 2023.

STAFF RECOMMENDATION & COMMISSION ACTION NEEDED:

Staff recommends that the Administrative and Regulatory Committee join its recommendation to the Commission that the Executive Director, or her designee, be authorized to adopt the 42 new incremental housing choice vouchers policy for the Housing Opportunities Commission of Montgomery County and revise Chapter 4 of the HOC Administrative Plan.

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAIT LIST

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is HOC's objective to ensure that families are placed in the proper order on the wait list and selected for admission in accordance with the policies in this Administrative Plan.

This chapter explains how HOC will administer its Housing Choice Voucher tenant-based and project-based waitlists. The tenant-based and project-based waitlists have two local preferences that HOC adopted to meet local housing needs. This chapter defines the eligibility criteria for the preferences and explains HOC's system of applying them. The wait list for housing subsidized with project-based vouchers is maintained as a separate list. Any family selected to be housed utilizing a project-based voucher is only eligible for a specific bedroom sized unit based on their family size and HOC's Housing Choice Voucher program occupancy standards.

By maintaining accurate waitlists, HOC is able to perform the activities which ensure that an adequate pool of qualified applicants is available, so that program funds are used in a timely manner. Each family on the tenant-based wait list may also have its name on the project-based wait list.

A. MANAGING THE WAIT LIST

Opening, Closing and Maintaining the Wait List:

HOC currently operates an electronic waitlist, which houses separate waitlists for the various programs and properties that HOC operates. The electronic waitlist is continuously open and self-managing. However, should HOC's Executive Director decide to close the waitlist, closing and re-opening of the wait list will be announced with a public notice explaining how applications for Housing Choice Voucher and all other wait lists maintained by HOC will be affected. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and by any available minority media, including social media. The public notice will state any updates to the waitlist and limitations on who may apply.

The notice will state that applicants already on wait lists for the Housing Choice Voucher and other housing programs will not lose their place on the waitlist. If new waitlists are added or removed to the electronic waitlist system, current applicants will be notified, along with the general public, that they will be removed or need to apply to the new waitlists separately. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Only one application may be submitted, and it must be submitted by the head of household or his/her designee. The wait list is maintained in accordance with the following guidelines:

1. The application will be a permanent file. Any contact between HOC and the applicant will be documented in the electronic applicant file.

2. All applications will be maintained in order of date and time of application, and applicable preference(s).
3. **Under the current wait list, multiple waitlists for various programs and properties are maintained electronically through a proprietary program.** All applications and updates to applications are submitted electronically through a proprietary on-line web portal. Paper and telephone submissions are not permitted. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic submissions.
4. All applicants must give notice of any changes to their application within two weeks of a change. Changes include: change of mailing address, change of email address, change of phone number, change in family composition, change in income, or changes in factors affecting preference points. As noted in paragraph 3, all changes must be done electronically because paper and telephone submissions are not accepted. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic update submissions.
5. The **electronic** waitlists are updated in real-time, and applicants' wait list profiles are accessible via the internet on a 24-hour basis.
6. For the Housing Choice Voucher program, **HOC maintains two separate waitlists (tenant-based and project-based) in order of date-time stamp and any applicable preference(s). However, within the two Housing Choice Voucher waitlists, HOC is able to sort eligible applicants for certain programs and properties within the voucher program that are designated for specific demographics.**
7. HOC maintains a Choice Mobility waitlist separate from the proprietary electronic waitlist for those customers eligible for project-based to tenant-based subsidy conversion. See Chapter 22 of this Administrative Plan for more information.
8. HOC enters into Housing Assistance Payments (HAP) contracts to subsidize project-based units at select properties that are operated by third-party managers and/or owners, **or partners with these entities to administer their project-based vouchers. These applicants are selected from the Housing Choice Voucher project-based voucher waitlist, and are sorted to only reflect applicants who satisfy the various property and programmatic eligibility criteria.** More specifically, the details regarding these property-specific wait lists are as follows:

- i. HOC maintains separate wait lists for Arcola Towers, Elizabeth House, Holly Hall, and Waverly House, which are housing facilities operated for the benefit of senior and/or disabled customers.
- ii. HOC entered into a HAP contract to subsidize units at Emory Grove, Ken- Gar, Parkway Woods, Sandy Spring Meadow, Seneca Ridge, Town Centre Place, and Washington Square as required as part of the Rental Assistance Demonstration (RAD) program and required Housing Choice Vouchers. The individual wait lists created for these RAD properties are included in the merged master list but are sorted separately to reflect only those applicants who are eligible for these properties.
- iii. HOC entered into HAP contracts to subsidize units at several properties that are managed by third-party managers and/or owners. These properties provide supportive services to at-risk populations in the form of Housing Choice Vouchers. Applicants for these programs must meet stringent requirements and are ranked by date and time of application only. The individual wait lists created for these properties are included in the merged master list but are sorted separately to reflect only those applicants who are eligible for these properties.

9. Contact between HOC and wait list applicants for the purposes of selection from the list is documented in the participant's wait list file.

Implementation of RAD Wait List Provisions

Former public housing (PH) applicants and residents receive priority consideration on the site-based wait lists created within *HOC Housing Path*, HOC's electronic wait list. Prior to the opening of the HOC Housing Path wait list, HOC mailed to all former PH wait list applicants a post card notifying them of the new wait list and instructed them to submit an application. The following policies describe how former PH applicants and residents receive priority consideration for housing at all HOC's RAD-converted properties and at properties with Project-Based Voucher (PBV) assistance provided using the non-competitive selection process created by the Housing Opportunities Through Modernization Act (HOTMA), and described in Chapter 22, Section G of this Administrative Plan.

In order to provide former PH applicants with the best opportunity to be housed at one of the RAD properties, HOC adopted and follows the procedures listed below:

- Analyze HOC Housing Path to identify former PH wait list applicants and residents that have submitted a new application.
- Issue notices to former PH wait list applicants and residents informing them that they are eligible to receive priority consideration for housing at RAD properties and instruct them to respond to the notice if they would like to be considered.
- Former PH applicants and residents who respond but have not submitted a new HOC Housing Path application will be instructed to do so.

- For those families who respond to the notice and/or have submitted a new HOC Housing Path application, HOC will create a separate pool of applications that will receive priority consideration for vacancies at HOC's RAD properties.
- As vacancies become available at RAD properties, applicants will be selected from the priority pool based on their date and time of application to Housing Path.

B. WAIT LIST CUSTOMERS (FAMILIES)

All wait list applicants are required to maintain an e-mail address. To the extent an applicant chooses to use the e-mail address of another person, the applicant is solely responsible for receiving information sent to the listed email address and lack of access to that account is not considered a valid excuse for missing notices. To the extent a family does not have an e-mail address, HOC can assist the family in obtaining a free email account. The applicant is responsible for notifying HOC of any change in their e-mail address. HOC maintains public use computers at all of its public locations. Public use computers are also widely available at other public locations such as local libraries. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic submissions.

All wait list applicants are required to list an address in their Housing Path application. If the applicant is homeless or does not have a permanent address, the applicant can choose to list the address of another person, so long as it is not the address of a current voucher holder. This address is used to send any paper correspondence to the applicant, including required paperwork as part of the selection process. The applicant is solely responsible for receiving information sent to the listed address and lack of access to mail at that address is not considered a valid excuse for missing notices or paperwork. The applicant is responsible for notifying HOC of any change in address.

Treatment of Single Applicants

Single applicants are treated as any other eligible family on the wait list for the tenant-based and project-based voucher wait lists.

Change in Circumstances

Changes in an applicant's circumstances while on the wait list may affect the family's entitlement to a preference or qualification for certain program criteria(s). Applicants are required to update their on-line application when their circumstances change.

Cross-Listing of Different Housing Programs and Section 8 [24 CFR 982.205(a)]

HOC maintains separate waitlists for all of its housing programs. An applicant is considered for admission to any program for which they are eligible until such time that documentation is presented which establishes a customer as ineligible for a given housing program(s). If a customer is determined ineligible for the voucher program or other housing program or property waitlist, the status of other HOC housing applications is not affected.

Other Housing Assistance [24 CFR 982.205(b)]

Other housing assistance means a federal, State, or local housing subsidy, as determined by HUD, including public housing.

HOC may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]

- Refuse to list the applicant on the wait list for tenant-based voucher assistance.

C. WAIT LIST [24 CFR 982.204]

Tenant-Based Voucher

HOC uses separate waitlists for the admission of all of its housing programs including tenant-based and project-based Housing Choice Voucher programs.

Except for Special Admissions, applicants are selected from the tenant-based waitlist in accordance with the policies, preferences, and income targeting requirements defined in this Administrative Plan.

HOC will maintain information that permits proper selection from the wait list. The wait list contains the following information for each applicant listed:

- Applicant Name
- Age
- Family Unit Size (number of bedrooms' family qualifies for under HOC's subsidy standards)
- Date of application
- Qualification for any local preference(s)
- Racial or ethnic designation of the head of household
- Targeted program qualifications
- Self-declared household income.
- Household member information (disability status, veteran status, etc.)

Project-Based Voucher

HOC maintains a separate waitlist for admissions to the project-based voucher (PBV) assistance program. Applicants have the option to submit separate applications for the tenant-based and project-based waitlists, and the status of one will not affect the other.

Except for Special Admissions, applicants are selected from HOC's project-based wait list in accordance with the policies, preferences, and income targeting requirements defined in this Administrative Plan.

Families are selected from the PBV wait list based on the bedroom size of the unit available at time of selection.

HOC must maintain information that permits proper selection from the wait list. The wait list contains the following information for each PBV applicant listed:

- Applicant Name
- Age
- Family Unit Size (number of bedrooms' family qualifies for under HOC's subsidy standards)
- Date of application
- Qualification for any local preference(s)
- Racial or ethnic designation of the head of household
- Targeted program qualifications
- Self-declared household income.
- Household member information (disability status, veteran status, etc.)

D. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e), 982.203]

If HUD awards HOC program funding that is targeted for specifically named families, HOC must admit these families under a Special Admission procedure.

Special admissions families are admitted outside of the regular waitlist process. They may not have to qualify for any preferences, nor are they required to be on the program waitlist. HOC administers four Special Admission Programs and maintains separate records of these admissions.

Applicants who are admitted under Special Admissions are identified in HOC's database with special codes. Applicant files also document their entry into the specific Special Admission program.

The Family Unification Program (FUP):

The Family Unification Program (FUP) qualifies for special admissions as long as the individuals referred to HOC meet the program definition.

Family Unification Program-Eligible Family (A family that the Public Child Welfare Agency (PCWA) has certified as a family for whom a lack of adequate housing is a primary factor in the imminent placement of the family’s child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care, and that the HOC has determined is eligible for a Housing Choice Voucher.)

Family Unification Program-Eligible Youth (A youth that the Public Child Welfare Agency (PCWA) has certified to be at least 18 years old and not more than 24 years old (has not reached his/her 25th birthday) who left foster care at age 16 or older and who does not have adequate housing, and that HOC has determined is eligible for a Housing Choice Voucher.)

Selection of applicants in the Family Unification Program (FUP) 2008 allocation are completed in conjunction with referrals from the Montgomery County Department of Health and Human Services (MCHHS). HOC will accept families certified by the MCHHS as eligible applicants for FUP. HOC will accept families certified by the MCHHS as eligible applicants for FUP. HOC will compare the names provided with the names on the current HOC wait list. Any referred family on the HOC wait list is served first. Those families referred and not on the HOC wait list will be added to the wait list and served based on date of referral or on a first come first served basis.

At turnover:

If a voucher issued to a FUP-eligible family or FUP-eligible youth under the FUP program is terminated, the voucher is reissued to the extent practicable, to another FUP-eligible family or FUP-eligible youth. If the award on turnover is not practicable, FUP vouchers may be used by HOC for such families based on local needs.

If a customer is admitted to the FUP program and on another HOC Program Admissions Wait List, the client remains on the wait list for the period of time the list is active. If a client is selected from the Program Wait List and utilizes the voucher, the FUP voucher is reissued, to another FUP-eligible family or FUP-eligible youth.

Veterans Administration Supportive Housing (VASH):

The HUD-Veterans Administration Supportive Housing (VASH) program combines HUD’s Housing Choice Voucher (HCV) rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA). The VA provides these services for participating Veterans at VA medical centers (VAMCs), community-based outreach clinics (CBOCs) through VA contractors, or through other VA-designated entities. HUD awarded 113 VASH vouchers to HOC.

- VA case managers refer HUD–VASH–eligible families to the PHA for the issuance of a HUD–VASH voucher or project-based assistance.

Eligibility

- HOC is relinquishing its authority to determine the eligibility of families in accordance with regular HCV program rules and PHA policies with the exceptions of income eligibility and lifetime sex offender status. HOC will be required to prohibit admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.
 - However, unless the family member that is subject to lifetime registration under a state sex offender registration program is the homeless veteran (which would result in denial of admission for the family), the remaining family member/s may be served if the family agrees to remove the sex offender from its family composition.
- Income targeting do not apply for VASH applicants;

Initial Search Term of the Voucher

- VASH vouchers must have an initial search term of at least 120 days.
- Any extensions, suspensions, and progress reports will remain under the policies in the PHA's administrative plan but will apply after the minimum 120-day initial search term.

Portability

An eligible family issued a HUD–VASH voucher must receive case management services provided by the partnering VA Medical Center (VAMC) or designated service provider (DSP). HUD–VASH participant families may reside only in those jurisdictional areas that are accessible to case management services as determined by the VAMC or DSP

- VASH voucher holders may port to another housing authority within the same catchment area where both PHAs have received HUD-VASH vouchers. The receiving PHA may bill or absorb.
- If the receiving PHA is outside of the catchment area, then the receiving PHA must absorb.

HQS Inspections

- To expedite the leasing process for tenant-based HUD–VASH, HOC may pre-inspect available units that veterans may be interested in leasing to maintain a pool of eligible units. If a HUD–VASH family selects a unit that passed a HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval the unit may be approved as long as it meets all other conditions under [24 CFR 982.305](#).

Special Housing Types

- HOC must permit HUD–VASH clients to use the following special housing types for tenant-based HUD–VASH assistance, regardless of whether these types are permitted in their administrative plan for other families: single room occupancy (SRO); congregate housing; group home; shared housing; and cooperative housing. Regulations for these housing types can be found at [24 CFR part 982, subpart M](#).

Termination of Assistance

- HOC may terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease;
- If the VAMC or DSP has determined that a veteran is not participating in required case management, without good cause, the PHA must terminate the family from the HUD–VASH program.

Turnover of HUD-VASH Vouchers

- In accordance with the Appropriations Acts, upon turnover, HUD–VASH vouchers must be issued to homeless veteran families as identified by the VA Medical Centers (VAMC) or designated service provider (DSP).

Emergency Housing Vouchers (EHV):

HOC administers 118 Emergency Housing Vouchers (EHVs). Eligible EHV applicants are referred to HOC from the Continuum of Care (CoC) via the Department of Health and Human Services (HHS). HOC can accept direct referrals outside of HHS to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in HOC’s Emergency Transfer Plan, or if HHS lacks a sufficient number of eligible families to refer. HOC must enter into a Memorandum of Understanding (MOU) with a Victims Service Provider (VSP) to accept EHV referrals from HHS.

HOC must maintain a separate waitlist for EHV referrals at initial leasing and for any turnover vouchers. HOC cannot issue an EHV subsequent to September 30, 2023. Provided that the re-issuance date is prior to September 30, 2023 the term of the EHV may extend beyond September 30, 2023.

EHV Eligibility Criteria:

Eligible applicants must meet one of the four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking or
- Recently homeless and for whom providing rental assistance will prevent the family’s homelessness or having high risk of housing instability.

EHV customers are not required to meet the local residency preference to live or work in Montgomery County. Additionally, income targeting requirements are not applicable for EHV families. EHV households can range from extremely low incomes (30% AMI) to low incomes (80% AMI).

HOC cannot deny program admission for the following reasons, pursuant to Title 24 part 982.552 and 982.55 of the Code of Federal Regulations (CFR):

- If any member of the family has been evicted or terminated from federally assisted housing.
- The family owes rent or other amounts owed to a Public Housing Authority (“PHA”) in connection with Section 8 or Public Housing assistance.
- The family has not reimbursed any PHA for amounts paid to an owner under a Housing Assistance Payment (“HAP”) Contract for rent, damages to the unit or other amounts owed by the family under the lease.
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA.
- The PHA determines that any household member is currently engaged in or has engaged in drug-related criminal activity, during a reasonable time before the admission.

HOC will deny program admission for the following reasons pursuant to Title 24 part 982.553 of the CFR:

- If any member of the household has been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing.
- If any member of the household is subject to a lifetime registration requirement under a State Sex offender registration program.
- If any household member is currently engaged in, has engaged in violent criminal activity within the last 12 months.
- If any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.
- If any household member engaged in or threatened abusive or violent behavior toward HOC personnel within the previous 12 months.

Voucher Issuance/Lease Term

HOC will issue the EHV voucher for a term of 120 days. The initial lease term for EHV households can be for a period less than 12 months, regardless of whether the shorter term is the prevailing market practice.

Services

HOC will assist EHV households by providing the following services based on documented need based and funding availability:

- Housing Location - EHV applicants will receive housing location assistance from HOC and/or the CoC. This includes helping the family identify and visit available units, providing transportation assistance and directions, assisting with the completion of rental applications and HOC forms and helping to find an accessible unit that meets the needs of a disabled household.

- Transportation Assistance – HOC will provide transportation assistance to EHV households to help them view and select housing units. HOC will provide up to \$150 in transportation assistance per EHV household based on documented need and funding availability.
- Security Deposit - HOC will provide security deposit assistance to EHV households to help them secure housing. HOC will provide up to \$2,500 in security deposit assistance per EHV household based on documented need and funding availability. If refundable, the security deposit will be refunded to HOC for future use of eligible EHV households.
- Application Fee/Holding Fee - HOC will provide application and/or holding fee assistance to EHV households to help them secure housing. HOC will provide up to \$200 in application and/or holding fee assistance per EHV household based on documented need and funding availability.
- Moving Expenses - HOC will provide moving assistance to EHV households. HOC will provide up to \$1,800 moving expenses per EHV household based on documented need and funding availability.
- Essential Household Items - HOC will provide EHV households with assistance to secure essential household items. HOC will provide up to \$200 in assistance for essential household items per EHV household based on documented need and funding availability.
- Renters Insurance - HOC will provide EHV households with assistance to secure renter's insurance. HOC will provide up to \$175 in assistance for renter's insurance per EHV household based on documented need and funding availability.
- Furniture - HOC will provide EHV households with assistance to secure furniture. HOC will provide up to \$1,000 in assistance for furniture per EHV household based on documented need and funding availability.

Portability

EHV applicants can immediately port to another jurisdiction of their choice. The requirement to have a legal domicile in Montgomery County at the time of the application submission is waived. HOC cannot restrict an EHV family from exercising portability options because they are a non-resident applicant.

If the EHV family moves to another jurisdiction that does not administer an EHV Program, the receiving PHA may absorb the family into its regular HCV program or bill the initial PHA.

If the EHV family moves to another jurisdiction that administers an EHV program, the receiving PHA may only absorb the EHV family with an available EHV allocated voucher. If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.

Initial Certification Exam

HOC can accept income calculations and verifications from third party providers or an examination that HOC conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as the income was calculated in accordance with the rules outlined at Title 24 CFR Part 5 within the last six months, and the family certifies

there has been no change in income or the family composition in the interim. At the time of the family's annual reexamination, HOC must conduct the annual reexamination of income as outlined in 24 CFR 982.516.

EHV applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of HOC's request.

HQS Inspections

HOC can pre-inspect available units that EHV Families may be interested in leasing. If an EHV family selects a unit that passed a HQS inspection within 45 days of the date of the Request for Tenancy Approval (RFTA) Form, the unit may be approved as long as it meets all other conditions under Title 24 part 982.305 of the CFR.

Interim Examinations

When adding a family member after the EHV family has been placed under a Housing Assistance Payment (HAP) Contract, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption or court-awarded custody of a child, the HOC must approve additional family members and may apply its regular screening criteria in doing so.

EHV applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of HOC's request.

At Turnover – Prohibited after 9/30/23

When an EHV family's participation in the EHV program ends, (i.e., the family is no longer under a HAP contract or in the process of moving to another unit, including under the portability procedures), any subsequent issuance of that voucher to another family is a reissuance. HUD is identifying whether a voucher issuance is a turnover voucher or a voucher that has never been leased by counting the number of cumulative EHV lease-ups. (Note that cumulative leased vouchers is equal to all households leased since the start of the EHV program—this includes households that have left the program.) Once a PHA's total cumulative leased EHV count reaches their total EHV allocation of the Consolidated Annual Contributions Contract (hereafter EHV-CACC), any EHV issuance is considered a reissuance.

PHAs that have reached their cumulative EHV lease-up count may not reissue any EHV voucher after September 30, 2023. All EHV's under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

Stability Vouchers (SV):

HOC administers 25 Stability Vouchers (SVs). Eligible SV applicants are referred to HOC from the Continuum of Care (CoC) via the Department of Health and Human Services (HHS). HOC can accept direct referrals outside of HHS to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in HOC's Emergency Transfer Plan, or if HHS lacks a sufficient number of eligible families to refer. HOC must enter into Memorandum of Understanding (MOU) with a Victims Service Provider (VSP) to accept SV referrals apart from HHS.

SV Eligibility Criteria:

Eligible applicants must meet one of the four eligibility categories:

- Homeless,
- At risk of homelessness,
- Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking, and
- Veterans and families that include a veteran family member that meet one of the proceeding criteria.

SV customers are not required to meet the local residency preference to live or work in Montgomery County. Additionally, income targeting requirements are not applicable for SV families. SV households can range from extremely low incomes (30% AMI) to low incomes (80% AMI).

HOC cannot deny program admission for the following reasons, pursuant to Title 24 part 982.552 and 982.553 of the Code of Federal Regulations (CFR):

- If any member of the family has been evicted from federally assisted housing in the last five years,
- If the PHA has ever terminated assistance under the program for any member of the family,
- If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act,
- The family has not reimbursed any PHA for amounts paid to an owner under a Housing Assistance Payment (HAP) Contract for rent, damages to the unit or other amounts owed by the family under the lease,
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.

Before denying a SV applicant admission because of a criminal record, HOC will offer the individual the opportunity to provide evidence of mitigating circumstances or that the record is inaccurate. HOC will deny program admission for the following reasons pursuant to Title 24 part 982.553 of the CFR:

- If any member of the household has been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing,
- If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program,
- If any household member is currently engaged in, has engaged in violent criminal activity within the last 12 months,
- If any household member has engaged in other criminal activity, which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or person residing in the immediate vicinity within the last 12 months,
- If any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12months,

- If any household member engaged in or threatened abusive or violent behavior toward HOC personnel within the previous 12 months

Income Verification at Admission

HOC will accept self-certification of income at program admission. Applicants must submit an affidavit attesting to the reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the sixty-day period prior to admission or voucher issuance but is not dated within 60 days of the PHAs request.

HOC may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as the income was (1) calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months and (2) the family certifies there has been no change in income of family composition in the interim.

HOC will take necessary enforcement actions if the SV applicant was never eligible for assistance due to their income.

Verification of Social Security Number, Citizenship Status, Date of Birth and Disability

HOC will admit SV applicants who are unable to provide the required documentation of their Social Security Number or citizenship status during the initial eligibility determination. SV applicants must furnish the required documents to HOC within 180 days of admission to be eligible for continued assistance.

HOC will accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. HOC must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

Voucher Issuance/Lease Term

HOC will issue the SV voucher for a term of 120 days. The initial lease term for SV households can be for a period less than 12 months, regardless of whether the shorter term is the prevailing market practice.

Portability

SV applicants can immediately port to another jurisdiction of their choice. The requirement to have a legal domicile in Montgomery County at the time of the application submission is waived. HOC cannot restrict a SV family from exercising portability options because they are a non-resident applicant. If the SV family moves to another jurisdiction that does not administer a SV Program, the receiving PHA may absorb the family into its regular HCV program or bill the initial PHA. If the SV family moves to another jurisdiction that administers a SV program, the receiving PHA may only absorb the SV family with an available SV allocated voucher. If the PHA does not have an SV available to absorb the family, it must bill the initial PHA. The SV administration of the voucher is in accordance with the receiving PHA's SV policies.

At Turnover:

SV vouchers must continue to remain available for families experiencing or at-risk of homelessness, those fleeing or attempting to flee domestic violence dating violence, sexual assault, or stalking, or human trafficking, and veterans and families that include a veteran family member that meet one of the proceeding criteria.

Other HUD Special Admission Programs:

The following are examples of other types of program funding that may be designated by HUD for families living in a specified unit.

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. 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; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

E. WAIT LIST PREFERENCES [24 CFR 982.207]

When a family is selected from the wait list, the family is invited to an interview and the verification process begins. It is at this point in time that the family's wait list preference(s) are verified. To qualify for a preference, an applicant must provide verification that shows he or she qualified either at the time of the initial application or at the time of selection from the wait list. However, placement based upon preference is dependent on the family still qualifying for the preference at the time of selection.

If the family no longer qualifies to be near the top of the list, because the family does not qualify for a preference, then the family's preference status is removed. Importantly, however, the family will remain on the wait list based upon their original date and time of application. HOC must notify the family in writing of this determination and give the family the opportunity for an informal hearing to appeal the decision.

Once a preference is verified, the family completes a full application, presents Social Security number information, citizenship/eligible immigrant information, and signs the Consent for Release of Information forms.

An applicant is not granted any local preference for the tenant-based and project-based voucher wait lists if any member of the family was evicted from housing assisted under a HUD 1937 Housing Act program during the past three years because of drug-related criminal activity or felonious charged criminal activity.

HOC will grant an exception to such a family if:

- The responsible member has successfully completed a rehabilitation program,
- The evicted person clearly did not participate in or know about the drug-related activity; and/or

- The evicted person no longer participates in any drug related criminal activity.

If an applicant makes a false statement in order to qualify for a local preference, HOC will deny the local preference.

F. **LOCAL PREFERENCES** [24 CFR 5.410]

The preferences outlined in this section are specific to HOC's general Housing Choice Voucher program (tenant-based and project-based) and are implemented with the priority indicated below. Families which meet the local preferences outlined below will come to the top of the waitlist accordingly in order of date/time stamp within the preference groupings. If/when HOC's waitlist exhausts families which meet the two local preferences below, HOC will select applicants who do not meet the local preferences in order of application date/time stamp.

HOC uses the following local preference system:

First Local Preference – Displacement: Families who are displaced as a result of a fire, flood, natural disaster, State or County redevelopment project, or a change in the nature of a project that is part of the County plan for maintaining affordable housing, and who are referred by the County Executive's Office. A signed certification from the County Executive's office is required for the family to qualify for this preference. [Two Points]

Second Local Preference – Residency preference for families who live, work, or have a bona fide offer to work in Montgomery County. To qualify for this preference, evidence is required either at the time of application or at the time of selection from the wait list. HOC will treat graduates of, or active participants in, education or training programs in Montgomery County as residents of Montgomery County if the education or training program is designed to prepare individuals for the job market. To qualify and satisfy this preference, graduates must have graduated after the initial application for housing. [One Point]

HOC offers public notice when changing its preference system and the notices are publicized using the same guidelines as those for opening and closing the wait list.

G. **INCOME TARGETING**

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year HOC reserves a minimum of seventy-five (75) percent of its Section 8 new admissions for families whose incomes do not exceed thirty (30) percent of the area median income (AMI). HUD refers to these families as "extremely low-income families." HOC must admit families who qualify under the extremely Low-Income limit to meet the income targeting requirement, regardless of preference. This policy applies to the tenant-based and project-based voucher waitlists.

Extremely Low-Income limit to meet the income targeting requirement, regardless of preference. This policy applies to the tenant-based and project-based voucher waitlists.

HOC's income targeting requirement does not apply to low-income families continuously assisted, as provided for under the 1937 Housing Act.

HOC is also exempted from this requirement when HOC provides assistance to low income or moderate-income families entitled to preservation assistance under the tenant-based voucher program as a result of a mortgage prepayment or opt-out.

H. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

I. At the time of application, an applicant's entitlement to a local preference may be made on the following basis:

An applicant's certification that they qualify for a preference is accepted without verification at the pre-application. When the family is selected from the wait list for the final determination of eligibility, the preference is verified. To Qualify for the preference, an applicant must provide verification that shows he or she qualified either at the time of the pre-application or at the time of certification.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant is returned to the wait list (tenant-based or project-based) without the local preference and given an opportunity for an office meeting.

J. TARGETED SELECTIONS [24 CFR 982.203]

HOC's electronic housing application is designed to gather information used to determine eligibility for criteria or preferences associated with Targeted Selection vouchers. The criteria/preferences for Targeted Selections are separate from the Local Preferences listed above, but for verification and eligibility purposes for these programs, will follow the same verification procedures for any preferences or program criteria. When HUD awards special funding for certain family types, families who qualify come to the top of the general HCV waitlist based on the information indicated on their application. When a specific type of funding becomes available, the tenant-based and project-based voucher (whichever the targeted funding applies to) wait lists are searched for the first available family meeting the targeted funding criteria. HOC reserves the right to use this assistance under the "Interim Use" policy. [See Glossary under "Interim Use" for definition].

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system and **the applicant files' document their admission process.**

HOC operates the following "Targeted Selections" Programs:

1. HUD 2006 Mainstream Disabled (MSD) program: 15 Units
2. HUD Veteran Vouchers (not VASH): 19 veterans and their families (18 older). Verify with list of homeless veterans provided by the county. HOC verifies eligibility by receiving referrals from the Montgomery County Department of Health and Human Services.
3. 2017/2018 Mainstream Disabled Grant Program: Preference is given to non-elderly disabled families who meet at least one of the following: Transitioning out of institutional or other segregated settings; at serious risk of institutionalization; homeless; or at risk of becoming homeless. NED is defined as disabled persons' ages 18-62 and can include any member of a household. Eligibility for this funding is initially indicated based on responses to questions on HOC's waitlist, which are designed to capture these criteria. Once a NED

family is called up for a subsidy based on one or more of the criteria above, HOC staff conducts a comprehensive verification of eligibility for the qualifications for the specified criteria, as explained in section M of this chapter.

4. **Moderate Rehabilitation: The moderate rehabilitation program provides project-based rental assistance for low-income families.**
5. **2023 Incremental Vouchers: 42 vouchers where preference is given to individuals and families that are currently experiencing homelessness.**

For any voucher allocation for Non-Elderly Persons with Disabilities (NED) in Support of Designated Housing Plans, HOC identifies a non-elderly disabled family, as defined by HUD, on HOC's wait list that will not be housed due to an approved or submitted Designated Housing Plan.

At turnover:

Re-issuance upon turnover of vouchers in the Non-Elderly Persons with Disabilities in Support of Designated Housing Plans 2008 allocation will be to Non-Elderly Persons with Disabilities on the wait list.

K. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR 5.653]

- Deny any admission preference for which the applicant is currently qualified;
- Change the applicant's place on the wait list based on a preference, date of application, or other factors affecting selection under HOC's selection policy; or
- Remove the applicant from the wait list.

However, HOC may remove the applicant from the wait list for tenant-based assistance if HOC has offered the applicant assistance under the Project-Based Voucher program.

L. ORDER OF SELECTION [24 CFR 982.207(e)]

HOC's method for selecting applicants from a preference category leaves a clear audit trail which can be used to verify that each applicant was selected in accordance with the method specified in the Administrative Plan.

Tenant-Based Voucher Wait List

Local Preferences

HOC provides the following system to apply local preferences:

Each preference receives an allocation of points. The more preference points an applicant receives, the higher the applicant's position on the wait list. **This point system only applies to the two Local Preferences.**

Among Applicants with Equal Preference Status

Applicants with equal preference status on the tenant-based voucher wait list are organized by date and time stamp.

Project-Based Voucher (PBV) Wait List

HOC provides the following system to apply local preferences:

Each preference receives an allocation of points. The more preference points an applicant receives, the higher the applicant's position on the wait list. **The point system only applies to the Local Preferences.**

Beyond Local Preferences, the PBV wait list is organized by family size and the corresponding bedroom size as follows:

- One and two person families are eligible for a one-bedroom unit. **Two person households with non-spousal/ "significant other" status may be assigned a two-bedroom voucher.**
- Three and four person families are eligible for a two- bedroom unit.
- Five and six person families are eligible for a three- bedroom unit.
- Seven and eight person families are eligible for a four- bedroom unit.

Exceptions to this policy are made in accordance with HOC's policies of reasonable accommodation for persons with disabilities.

The number of persons per bedroom is subject to compliance with the Montgomery County Code, Chapter 26-5, Space, Use, and Location. Paragraph (b) of Chapter 26-5 is shown below:

b) *Floor area, sleeping.* In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant must contain at least 70 square feet of habitable space, and every room occupied for sleeping purposes by more than one occupant must contain at least 50 square feet of habitable space for each occupant. However, in a mobile home every room occupied for sleeping purposes by one occupant must contain at least 50 square feet of habitable space; by 2 occupants, at least 70 square feet of habitable space; and by more than 2 occupants, at least an additional 50 square feet of habitable space for each additional occupant.

Among Applicants with equal preference status **and applicable bedroom size**, the PBV wait list is organized by the regular date-time selection process for each bedroom size.

L.1 PROJECT-BASED VOUCHER REFERRALS: Offender Reentry Program

Applicants referred to HOC for housing subsidy through PBVs by way of Offender Reentry programs sponsored by the Silver Spring Interfaith Housing Coalition and Threshold Services, Inc. are granted an eligibility criminal background exception. The participant does not have rights to the HOC Grievance Procedures.

The eligibility exception is not extended to the following individuals:

1. Persons convicted of manufacturing or producing methamphetamine;
2. Any person evicted from federally assisted housing for a serious violation of the lease (and for three years following the eviction);
3. Any person who fails to sign and submit consent forms to obtain information in accordance with the Administrative Plan Part 5, subparts B and F;
4. Any person required under HUD regulation to establish citizenship or eligible immigration status;
5. Any person subject to a lifetime registration requirement under a state sex offender registration program; and
6. Any persons convicted for violent felonies.

L.2 PROJECT-BASED VOUCHER REFERRALS: Existing Residents

In an effort to minimize displacement of families, if a unit that is to be included in the PBV contract is occupied by an eligible family, the in-place family must be placed on the program wait list. When eligibility is determined, the family must be given an absolute selection preference and referred to the project owner for an appropriately sized PBV contract. A preference will be extended through the PBV program (only) for services offered. In selecting families, HOC may give a preference to disabled families who need services offered at a particular project. This preference (more specifically a referral) is limited to the population of families with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing who, without appropriate supportive services, are not able to maintain themselves in housing.

M. FINAL VERIFICATION OF PREFERENCES [24 CFR 5.415]

Preference information on pre-applications is updated as applicants are selected from the wait list. At that time, HOC will obtain necessary verifications of preference(s) at the interview and by third party verification.

Subsection A – Secondary Review/Credit Checks

Before issuing vouchers to applicant families, HOC requests a credit report of all new applicant families, all adults (persons 18 years of age and older) who will reside in the assisted household. The Housing Opportunities Commission credit report is reviewed by HOC. Applicant households claiming they have zero income automatically undergo a credit check review. The information contained in the credit check is used to confirm the information provided to HOC by the family. Specially, the credit report is used to confirm:

1. **Employment:** A credit report will list any employers the applicant has listed in any recent credit applications. If the credit report reveals employment for any adult household member within the last 12 months that was not disclosed, the family will be asked to provide additional documentation to resolve the discrepancy. Failure to disclose current

employment may result in denial of participation in the Housing Choice Voucher and Section 8 programs.

2. **Aliases:** A credit report can provide information on other names that have been used for the purposes of obtaining credit. Common reasons for use of other names include a recent marriage or a divorce. If an alias has not been disclosed to HOC, the family will be asked to provide additional evidence of the legal identity of all adult family members.
3. **Current and previous addresses:** A credit report can provide a history of where the family has lived. This is particularly important because HOC provides a residency preference. If the family has provided one address to HOC and the credit report indicates a different address, the family will be asked to provide additional proof of residency. This may include a history of utility bills, bank statements, school enrollment records for children, credit card statements, and/or other relevant documentation. Failure to provide adequate proof could result in denial of the residency preference.
4. **Credit card and loan payments:** A credit report will usually include a list of the family's financial obligations. Examples of the items that may show up include car loans, mortgage loans, student loans, and credit cards payments. HOC will review this information to confirm the income and asset information provided by the family. If the family's current financial obligations (total amount of current monthly the applicant fails to respond to an electronic or written request for information.
5. **Multiple Social Security Numbers:** A credit report may list multiple Social Security numbers if an adult family member has used different Social Security numbers to obtain credit. If the credit report information does not match the information provided by an adult family member, the family member or head of household will be required to obtain written confirmation of the Social Security number that was issued to him/her from the Social Security Administration.

Applicant families are not issued vouchers until all discrepancies between the information provided by the applicant family and the information contained in the credit report have been cleared by the applicant family and approved by HOC.

When discrepancies are found, the family will be contacted by HOC. In most cases, the family will be allowed a maximum of ten (10) business days to provide the additional information. On a case- by-case basis, as a reasonable accommodation, the family may be granted additional time. If additional time is granted, the family receives written notification of the new deadline. No second or additional extensions will be granted. Failure to provide the required information to HOC could result in denial of participation in the Housing Choice Voucher and Section 8 Programs.

When the credit report reveals multiple discrepancies which require interview appointments, HOC will schedule up to two interview appointments. An additional appointment may be scheduled as a reasonable accommodation. Failure to appear at the interview session could result in denial of participation in the Housing Choice Voucher and Section 8 Programs.

N. **PREFERENCE DENIAL** [24 CFR 5.415]

If HOC denies a preference, HOC notifies the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review to appeal the decision. If the preference denial is upheld as a result of the review, or the applicant does not request a review, the preference is removed from the applicant’s entry on the wait list, returning the applicant to their regular date-time positioning. Applicants may exercise other rights if they believe they are a victim of discrimination.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the wait list.

O. **REMOVAL FROM THE WAIT LIST AND PURGING** [24 CFR 982.204(c)]

HOC will not remove an applicant’s name from the wait list unless:

1. The applicant requests in writing that their name be removed or a request to declare their continued interest in the program; or
2. The applicant does not meet either the eligibility or suitability criteria for the program; or
3. The applicant refuses two housing units without good cause

Obligation to Annually Confirm Application Information

Each year, or at such time as HOC determines reasonable, HOC will issue notice to all applicants on the wait list requesting that each applicant confirm their continued interest in remaining on the wait list. Failure to renew the information in a timely manner will result in removal from the wait list.

HOC will provide notice to wait list applicants to confirm their continued interest and set a date by which their renewal must be completed. HOC will send notices thirty days, fifteen days, five days, and one day prior to the date when that renewal or confirmation is due.

All notices under this Section are sent by HOC electronically to the last known e-mail address listed on the application. Wait list applicants may also request text message notifications. If a family does not have an email address, HOC can assist the family in obtaining a free email account. It will be the applicant’s sole responsibility to check that email account from time to time and to respond to any email and/or SMS text from HOC. To the extent an applicant requires assistance, upon request, staff from HOC is available to assist with electronic submissions.

Should an applicant not respond to the request to confirm their continued interest in remaining on the wait list by renewing their application or to their notification of selection for a program for any reason, prior to the established deadline, the applicant is removed from the wait list. Reasons for non-response, resulting in removal from the list, include (but are not limited to) negligence in completing the electronic update/application in a timely manner and relocation resulting in a return of the e-notice to HOC with no forwarding email address provided. Applicants removed from the wait list will receive a notification identifying their removal from Housing Path.

Missed Appointments

All applicants who fail to keep a scheduled appointment with HOC (**virtual or in-person**) are sent a written notice of termination of the process for eligibility. That written notification of termination may be sent as an attachment to an email.

HOC will allow the family to reschedule an appointment for good cause. Generally, no more than one opportunity is given to reschedule without good cause, and no more than two opportunities are given for good cause. When good cause exists for missing an appointment, HOC will work closely with the family to find a more suitable time. Applicants are advised of their right to an informal review before being removed from the wait list.

Notification of Negative Actions

Any applicant whose name is being removed from the wait list will be notified by HOC, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the wait list if they fail to respond within the timeframe specified. HOC's system of removing applicant names from the wait list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, HOC will verify that there is in fact a disability, that the disability is what caused the failure to respond, and then provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the wait list based on the date and time of their original application.

Purging the Wait List

HOC's electronic waitlist is currently continuously open and self-managing. HOC will update and purge its wait list as needed to ensure that the pool of applicants reasonably represents the interested families for whom HOC has current information, i.e. applicant's address, family composition, income category, and preference. **Any such actions will be publicly advertised, and current applicants will be notified of any updates.**

Administrative and Regulatory Committee



Proposed Legislative Priorities for 2024

Chelsea Andrews
Executive Director

Ken Silverman
Director of Government Affairs

October 23, 2023

Why adopt annual Legislative Priorities?

- **Clear, unified message** to local, state, and federal policymakers about what HOC needs to succeed in our mission
- **Context for individual requests**, making it clear we are asking every level of government to share the burden of meeting Montgomery County's affordable housing needs
- **Explains HOC's limitations** to the public, applicants, customers, advocacy organizations, and other stakeholders
- **Clear guideposts for staff** to allow swift response when needed, whether responding to fast-moving legislative and regulatory proposals or influencing the advocacy agendas of larger coalitions and organizations
- Pathways for **residents and organizations to support HOC's mission** in their advocacy efforts



How did staff develop these proposed Legislative Priorities?

- Reviewed the Commission's discussions and positions over the past year
- Reviewed the published priorities of key partners and advocacy groups like Montgomery County Government, [Montgomery Housing Alliance](#) (MHA), the [National Association of Housing and Redevelopment Officials](#) (NAHRO), the [Public Housing Authorities Directors Association](#) (PHADA), the [Council of Large Public Housing Authorities](#) (CLPHA), the [National Association of Local Housing Finance Agencies](#) (NALHFA), the [National Council of State Housing Authorities](#) (NCSHA), the [Maryland Affordable Housing Coalition](#) (MAHC), the [National Low Income Housing Coalition](#) (NLIHC), [Enterprise Community Partners](#), the [Women's Law Center of Maryland](#), the [Community Development Network of Maryland](#), [CASA](#), and others
- Incorporated feedback from Commissioners, customers, residents, applicants, staff and other stakeholders collected through the Strategic Plan process, and drew from the research and recommendations developed by Public Works
- Engaged with Directors and staff across HOC divisions to solicit ideas and ensure the accuracy and importance of the items included



Proposed Legislative Priorities:

1. More affordable homes
2. More rental assistance
3. More supportive services
4. Regulatory flexibility



Federal

State

County

More Affordable Homes

1. FFB/FHA Risk Share Program
2. Expand LIHTC
3. More housing funding
4. Support local public development
5. Increase RAD subsidies
6. Land for housing

1. Fund local public development
2. Allow HOC to participate in all DHCD programs
3. More housing funding
4. Land for housing

1. Support HPF
2. Create Nonprofit Preservation Fund
3. More housing funding
4. Make affordable housing development easier & faster
5. Land for housing

More Rental Assistance

1. Fully fund Housing Choice Vouchers

1. Statewide Voucher Program
2. Emergency Rental Assistance

1. Local rental assistance

More Supportive Services

1. Expand FSS program
2. Partnerships & data sharing
3. Support individual projects

1. Digital Equity
2. Partnerships & data sharing
3. Support individual projects

1. Resident Services
2. Partnerships & data sharing
3. Support individual projects

Regulatory Flexibility

1. MTW for all

1. Digital transparency
2. No extra burdens for affordable housing
3. Funding to meet new requirements

1. No special burdens for affordable housing
2. Funding to meet new requirements



Proposed Legislative
Priorities:

- 1. More affordable
homes**

2. More rental assistance
3. More supportive services
4. Regulatory flexibility



The federal government can support more affordable housing development through immediate administrative changes

Administrative

- FFB/FHA Risk Share Program
 - Extend the program which is set to cease taking applications in 2024
 - Improve the program by eliminating the 10-year lock-out
 - Allow construction-to-permanent financing
- Allow flexible use of existing resources to increase subsidy for all RAD properties
- Explore opportunities to use surplus federal land in Montgomery County for affordable housing

Legislative

- Expand Low Income Housing Tax Credits and tax-exempt Volume Cap and allow reallocation of unused allocations across states
- Provide more funding for all federal housing programs
- Increase subsidy available for RAD Project Based Rental Assistance
- Explore ways to expand the impact of HOC's Housing Production Fund
- Pursue permanent FFB/FHA Risk Share program and/or allowing Ginnie Mae Securitization of Risk Share loans



The State and County have been strong partners and can continue to fill financing gaps to make affordable development work

State

- Create a statewide matching fund for locally-funded public development
- Change DHCD policy to allow local HFAs to participate in programs such as Rental Housing Works without using CDA senior debt
- Increase funding for the state's Housing Trust Fund, Capital Fund and related programs
- Explore possibilities to use surplus state land in Montgomery County for affordable housing

County

- Continue to support local funding for public development through the Housing Production Fund
- Establish and grow the Nonprofit Preservation Fund
- Maximize funding for the Housing Initiative Fund and other local housing programs
- Find opportunities for zoning and regulatory improvements that allow more housing development, faster
- Continue to explore opportunities to use County land for affordable housing



Proposed Legislative
Priorities:

1. More affordable homes

**2. More rental
assistance**

3. More supportive services

4. Regulatory Flexibility



One change would make housing affordable for millions of families overnight: fund Housing Vouchers for every eligible household

Federal

- Make Housing Choice Vouchers an entitlement program, ensuring every eligible household receives assistance
- Fund new incremental and special purpose vouchers and provide robust appropriations for the HAP & Admin accounts

State

- Implement the new Statewide Rental Assistance Voucher Program fairly by allocating vouchers by population. Grow the program in future years
- Re-establish a statewide Emergency Rental Assistance fund

County

- Increase local funding for rental assistance and explore approaches to increase utilization and reduce administrative burdens



Proposed Legislative Priorities:

1. More affordable homes
2. More rental assistance
- 3. More supportive services**
4. Regulatory Flexibility



Deepen partnerships to reduce administrative burdens and make more services available to customers and applicants

Federal

- Expand the Family Self Sufficiency program
- Continue HUD's ongoing efforts to develop systems and partnerships that allow for data sharing and coordination across agencies
- Identify opportunities for grants and member-directed spending for individual properties and projects

State

- Maximize opportunities to provide digital equity programs for our customers
- Develop agreements and systems to enhance data sharing and coordination across agencies
- Identify opportunities for grants and capital funding for individual properties and projects

County

- Continue robust funding for HOC's resident services programs
- Continue efforts to enhance data sharing and coordination across agencies
- Identify opportunities for grants and capital funding for individual properties and projects



HOC's Legislative Priorities:

1. More affordable homes
2. More rental assistance
3. More supportive services

4. Regulatory Flexibility



Ensure HOC has the flexibility to operate efficiently and fairly

Federal

- Seek legislation to allow all Public Housing Authorities to take advantage of the type of flexibilities that have proven effective in the Moving to Work (MTW) program

State

- Remove archaic requirements that prevent the full use of digital platforms
- Remove requirements that uniquely burden affordable housing more than other forms of development
- Provide funding and clear guidance when imposing new requirements on affordable housing

County

- Remove requirements that uniquely burden affordable housing more than other forms of development
- Provide funding and clear guidance when imposing new requirements on affordable housing



Summary & Recommendations

Issues for Consideration

Does the Administrative and Regulatory Committee wish to join staff in its recommendation that the Commission indicate its support for the proposed 2024 Legislative Priorities?

Budget/Fiscal Impact

Approving these priorities would not have a direct fiscal impact on HOC. Of course, if our advocacy is successful, it would result in more resources available to serve Montgomery County.

Timeframe

For deliberation at the October 23, 2023 meeting of the Administrative and Regulatory Committee, and action at the November 1, 2023 meeting of the Commission.

Staff Recommendation and Commission Action Needed

Staff recommends that the Administrative and Regulatory Committee join its recommendation that the Commission indicate its support for the proposed Legislative Priorities for 2024.



Adjourn