

Housing Search and Leasing

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Page	Changes From Previous Version	Date Change Made
5	Updated Section 2.2 on list of oral briefing Information that must be provided when a family is selected in accordance with Federal Register Notice titled, " Housing Opportunity Through Modernization Act of 2016-Housing Choice Voucher and Project-Based Voucher Implementation; Additional Streamlining Changes ," published on May 7, 2024	June 2025
7-9	Updated Section 2.5 on list of briefing packet information that must be provided when a family is selected in accordance with Federal Register Notice titled, " Housing Opportunity Through Modernization Act of 2016-Housing Choice Voucher and Project-Based Voucher Implementation; Additional Streamlining Changes ," published on May 7, 2024	June 2025
11-14	Added guidance on Remote Briefings to Section 3.4	June 2025
15	Updated Section 4.1 on changes in family composition to align with regulations at 24 CFR 982.505(c)(6), which provides that irrespective of any increase or decrease in the payment standard amount, if the family unit size either increases or decreases during the HAP contract term, the new family unit size may be used to determine the payment standard amount for the family immediately but no later than the family's first regular reexamination following the change in family unit size (voucher size)	June 2025
20	Updated Section 6.3 on suspension of search time to align with regulations at 24 CFR 982.303(c), which requires a PHA to suspend the term of the voucher from the date the family submits a request for tenancy approval until the date the PHA notifies the family in writing whether the request was approved or denied	June 2025
25-26	Updated Section 9.3 to include detailed Lead Disclosure Rule and Lead Safe Housing Rule requirements	June 2025

1 Chapter Overview

This chapter explains the briefing, voucher issuance, housing search, tenancy approval, and leasing processes for the Housing Choice Voucher (HCV) program.¹ Housing search and leasing are critical activities in the administration of the HCV program. Until the family finds a unit that meets both their needs and program requirements, the family cannot benefit from the many opportunities offered by the HCV program. At the same time, the PHA cannot earn ongoing administrative fees needed to operate the program until a unit is leased and placed under the Housing Assistance Payments (HAP) contract. When a family receives adequate information about program rules and PHA expectations and assistance during the housing search and leasing processes, both the family and PHA benefit. Families are likely to lease units more quickly and better understand program requirements, while the PHA increases its ability to meet SEMAP leasing requirements, improve its leasing success rate, and control costs.

The voucher is the family's authorization to search for housing. The family receives the voucher after the PHA selects the family from the waiting list, determines the family is eligible for assistance, and conducts the program briefing. Upon issuance of a Housing Choice Voucher, the housing search process begins. Once the family finds a suitable unit, the PHA begins its process of approving or denying the assisted tenancy. If the tenancy is approved, leasing activities begin.

2 Briefings

2.1 Introduction

Prior to issuing a voucher to a family, a PHA must² give the family an oral briefing, in person or virtually, as well as an information packet, outlining the HCV program requirements.

The oral briefing and information packet must include certain required subjects as prescribed in Sections 2.2 and 2.3 of this chapter. In addition, PHAs should use the oral briefing to communicate basic program requirements and any PHA-specific requirements. The PHA should give the family an overview of the contents of the briefing packet, so families are aware of the information contained in the packet and, therefore, will be more likely to refer to the packet during the housing search and leasing process.

Briefing Objectives

- Introduce the Housing Choice Voucher program and the benefits it offers to participating families,
- Provide step-by-step instructions on how and where (including how much time they have) to search for a unit,
- Explain how rent and subsidy are calculated,
- Inform families of their rights under the HCV program,
- Inform families of their responsibilities as HCV program participants,
- Clarify the role of owners in the HCV program, and
- Clarify the role of the PHA and its expectations of HCV program participants.

¹ HUD has a separate HCV Guidebook chapter on [Moves and Portability](#).

² 24 CFR 982.301(a)

Although the briefing presentation and the contents of the information packet are discussed under separate subheadings below, they are very much related in practice. The information packet is typically distributed during the briefing session and parts of the briefing involve explaining items contained in the information packet.

Important benefits can be gained by dedicating staff time and resources to this “front-end” process. Families who are not properly briefed often require more assistance from PHA staff to find a unit. This can place unnecessarily heavy demands on staff time and affect the agency’s ability to achieve its monthly leasing objectives and complete other important processing functions, such as monthly reexaminations. PHAs that are committed to conducting high-quality briefings often find that they can administer the program more efficiently.

PHAs in areas where applicants have limited English proficiency (LEP) shall take steps to ensure meaning access, including but not limited to, conducting a bilingual briefing, or arranging for an interpreter to be present at the briefing because of its importance. Similarly, the written material that accompanies the briefing should be translated to the extent possible. PHAs can draw upon the bilingual skills of various community organizations or their own staff to assist in briefing families and translating documents. The PHA must take reasonable steps to ensure meaningful access to their programs and activities to persons with limited English proficiency (LEP) in accordance with Title VI of the Civil Rights Act of 1964 and HUD's implementing regulations at 24 CFR part 1. PHAs may not require families to bring their own interpreters and cannot ask children to interpret for their parents. As an aid to recipients, HUD published “Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732).

More information on LEP can be found at <https://www.hud.gov/stat/fheo/limited-english-proficiency> and at <http://www.lep.gov>. Also, see [Fair Housing Requirements chapter](#).

2.2 Oral Briefing Topics

The oral briefing provides the PHA with a unique and important opportunity to set the tone for the relationship between the PHA and the participating family.

Most families invited to a briefing are unfamiliar with rules of the HCV program, which means that delivering the information in a simple, clear, and well-organized way can help the family understand the information. Families should be given an opportunity to ask questions and discuss the information presented. Many presenters find it helpful to use videos, slide presentations, charts, maps, and other visual and media aids to deliver the message.

The oral briefing must³ provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside the PHA’s jurisdiction, and any information that HUD provides on selecting a unit;
- An explanation of how portability works – the family must be informed of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family's assistance;

³ 24 CFR 982.301(a)(1)-(3)

- An explanation of the advantages of areas that do not have a high concentration of low-income families; and
- Information on the reasonable accommodation process and take appropriate steps to ensure effective communication in accordance with [24 CFR 8.6](#) and [28 CFR part 35, subpart E](#).

2.3 Effective Communication Requirements

The PHA must⁴ take appropriate steps to ensure effective communication using appropriate auxiliary aids and services, such as interpreters, transcription services, braille materials, large print, and accessible electronic communications, in accordance with Section 504 and Americans with Disabilities Act (ADA) requirements. Section 504 of the Rehabilitation Act of 1973 (as amended) prohibits discrimination under any federally-assisted program solely on the basis of a disability. The ADA extends this nondiscrimination protection to all services, programs, and activities provided or made available by public entities and to the facilities, services, and accommodations of certain private entities, including PHAs. In addition, the Fair Housing Act makes it illegal for housing providers to refuse to make reasonable accommodations, including taking steps that may be necessary to ensure effective communications with individuals with disabilities.

PHAs must⁵ ensure that HCV applicants have an equal opportunity to participate in the program by providing notices and communications during the briefing session(s) and meeting(s) in a manner that ensures effective communication with persons with hearing, visual, and other disabilities consistent with Section 504 and the ADA. This includes ensuring that training materials are in appropriate alternative formats as needed to ensure effective communication, e.g., braille, audio, large type, sign language, or other types of interpreters, accessible electronic communications, transcription services, and assistive listening devices. Under the effective communication requirement, steps must be taken to ensure that communications are provided in the most appropriate setting for the individual with a disability. It is also necessary to give primary consideration to the means of communication preferred by the individual with a disability. PHAs are not required to take any actions that would result in a fundamental alteration in the nature of the program or activity or in an undue financial and administrative burden. See the [Fair Housing Requirements chapter](#).

2.4 Other Briefing Topics

Below is a list of other topics PHAs are encouraged to consider discussing in the briefing:

- Tips on how to find a suitable unit and family considerations when deciding whether to lease a unit, including unit condition, reasonableness of rent, cost of tenant-paid utilities, whether the unit is energy-efficient, and location of unit;
- Tips on how to negotiate a lease;
- Housing Quality Standards (HQS)⁶, focusing on common reasons that units fail HQS during initial inspections (based on national, regional, or PHA-specific information);

⁴ 24 CFR 8.6; 28 CFR 35.160-164; 28 CFR 36.303

⁵ 24 CFR 8.6

⁶ On May 11, 2023, HUD published 88 FR 30442 in the Federal Register (“NSPIRE final rule”). The NSPIRE final rule establishes a new approach to defining and assessing housing quality called the National Standards for the Physical Inspection of Real Estate (NSPIRE). While Housing Quality Standards have been redefined as NSPIRE standards, the HQS terminology remains in regulatory and statutory language, and voucher inspections will still be considered HQS inspections. See Section 9.3 of this chapter.

- Discussion of significant aspects of applicable state and local laws, including fair housing laws and source of income protections where applicable;
- Information on housing opportunities within the PHA's jurisdiction, particularly in low poverty areas;
- Information on the quality of neighborhoods, including the availability of job opportunities, quality of schools, access to public transport, and other community services;
- Information on the availability of local community resources for which families can apply to complement their housing assistance. (This might include any financial assistance for security deposits and other moving costs. Effective use of these services and resources may help to prevent difficulties for the family during tenancy);
- Information on the PHA's efforts to assist individuals with locating available accessible housing, including its current listing of available accessible units, for example, providing accessible transportation to individuals with disabilities to visit potential rental units; and
- Explanation of security deposit requirements. Families should be informed of three points:
 - *The cost of the security deposit is not covered under the HCV program.* Owners may collect a security deposit but are not required to do so, and amounts collected may vary. Some owners may agree to allow the family to pay the security deposit in installments over the term of the lease. Depending upon the housing market and jurisdiction, some PHAs may be able to give families indication of how much of a security deposit they can expect to pay for various types of units. Providing this information to the family upfront can help the family better plan for this expense.
 - *The purpose of the security deposit.* When a participant moves out of the unit, the owner may use the security deposit and any interest accrued as reimbursement for any unpaid rent payable by the tenant and damages to the unit or for other amounts the tenant owes under the lease. The owner must⁷ give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting any charges, the owner must⁸ promptly refund the full amount of the remaining balance to the tenant. If the security deposit is not sufficient to cover the amount the tenant owes under the lease, the owner may seek to collect the balance from the tenant. Rules governing security deposits are generally covered in state law.
 - *The PHA's security deposit policy.* If applicable, the PHA should explain its security deposit policy. PHAs may choose to develop policies that limit the security deposit to no more than an amount commonly charged in the private market or to no more than the owner charges to unassisted tenants⁹. Other than this, the PHA cannot place any restrictions on the security deposit amount charged by owners.

⁷ 24 CFR 982.313(d)

⁸ 24 CFR 982.313(d)

⁹ 24 CFR 982.313(b)

2.5 Contents of Briefing Packet

2.5.1 Required Briefing Packet Materials

The briefing packet must¹⁰ include the following documents and information:

- The term of the voucher, and the PHA's policies on any extensions or suspensions of the term. If the PHA allows extensions, the packet must explain how the family can request an extension;
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard and how the PHA determines the total tenant payment for the family;
- An explanation of how the PHA determines the maximum allowable rent for an assisted unit;
- Where the family may lease a unit. For a family that qualifies to lease a unit outside the PHA jurisdiction under portability, the information must include an explanation of how portability works including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family's assistance;
- The HUD-required tenancy addendum (see Section 10.2 of this chapter), which must be included in the lease;
- The form the family must use to request approval of tenancy, and an explanation of how to request such approval;
- A statement of the PHA policy on providing information about families to prospective owners;
- The PHA subsidy standards including when the PHA will consider granting exceptions to the standards as allowed by [24 CFR 982.402\(b\)\(8\)](#) and when exceptions are required as a reasonable accommodation for persons with disabilities under Section 504, the Fair Housing Act, or the ADA;
- Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides;
- The HUD pamphlet on lead-based paint entitled [Protect Your Family from Lead in Your Home](#);¹¹
- Information on Federal, State, and local equal opportunity laws, the contact information for the Section 504 coordinator, a copy of the housing discrimination complaint form ([HUD-903.1](#) or the appropriately translated [version](#) of the form), including information on how to fill out the form/file a fair housing complaint and information on how to request a reasonable accommodation or modification (including information on requesting exception payment standards as a reasonable accommodation) under Section 504, the Fair Housing Act, and the ADA;
- A list of landlords known to the PHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration;
- If the family includes a person with disabilities, include a current list of available accessible units known to the PHA, and, if necessary, other assistance in locating an available accessible dwelling unit;
- Family obligations under the program, including any obligations of other special programs the family is participating in (e.g., HUD-Veterans Affairs Supportive Housing (VASH), Homeownership, Family Unification Program (FUP), Welfare-to-Work);

¹⁰ 24 CFR 982.301(b)

¹¹ 24 CFR 35.88

- The advantages of areas that do not have a high concentration of low-income families, which may include accessible and high-quality housing, transit, employment opportunities, educational opportunities, recreational facilities, public safety stations, retail services, and health services; and
- A description of when the PHA is required¹² to give a participant family the opportunity for an informal hearing and how to request a hearing.

While the PHA will not be able to tell a family with certainty how much the family will have to pay in rent and utilities (because the family's share of the rent depends on the amount of rent the owner charges for the selected unit), giving the family a general understanding of how much that family can afford and the maximum they will be allowed to pay in rent and utilities saves time for both the family and the PHA. Having this information from the start helps families narrow their search to units in an affordable price range and minimizes PHA denials of families' requests of the assisted tenancy because the gross rent for the unit causes the family share of the rent to exceed the maximum family share at initial occupancy.

2.5.2 Supplemental Briefing Packet Materials

In addition to items required by the regulations, PHAs may wish to include supplemental materials to help explain the program to both participants and owners. Examples of supplemental materials for consideration include:

- A summary of the items included in the briefing packet. The amount of material in the information packet and its level of reading difficulty may make some families reluctant to use the packet as a resource. A concise written summary of the contents of each item included in the packet may make the packet more user-friendly and helpful to the family);
- Brochures to explain the HCV program to owners;
- Form HUD-52641, Housing Assistance Payments Contract for the HCV Program;
- Description of the PHA's security deposit policy, if the PHA has one;
- Information on service organizations and utility companies;
- Explanation of rent reasonableness;
- Requirements for notifying the PHA of any changes in income;
- List of units known to be available for rent;

The list of units known to be available for rent is only useful if it is up to date. In smaller, less active rental markets, the PHA will be able to more easily maintain a rental list. In larger markets and areas with low vacancy rates, a list of owners who have indicated their interest in participating in the program may prove to be more useful since any identified vacant unit may be rented before its availability can be advertised to voucher holders. Such list(s) should be made available to all families and should include units outside areas of low-income or minority concentration. PHAs should emphasize that units included on the list(s) are not pre-approved and still need to go through the process of approval of the assisted tenancy.

¹² 24 CFR 982.554 and 24 CFR 982.555

- Explanation of any special programs or services offered by the PHA, such as the Family Self-Sufficiency program;
- Checklist of items to consider before signing a lease;
- Contact information for PHA staff, local social service agencies (e.g., welfare and health agencies, legal assistance groups, fair housing organizations, tenant organizations, childcare services, transportation services);
- A list of items that commonly fail initial HQS inspections based on national, regional, or PHA-specific information;
- The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act (see the [Eligibility Determination and Denial of Assistance chapter](#) and the [Terminations chapter](#));
- Information on the PHA's reasonable accommodation policies and information on how disability-related expenses are treated in the rent calculation; and
- Notice of Occupancy Rights under the Violence Against Women Act (VAWA) and Certification Form. By including these documents as part of the briefing packet, PHAs will have met the requirement to provide these documents no later than the date that the HAP contract is executed.

3 Briefing Attendance, Length, Location, and Time

3.1 Attendance

Some PHAs require that all adults in each household attend the briefing, while other PHAs require attendance only by the head of household. The benefit of requiring all adult household members to attend the briefing is that it is the best guarantee that everyone is informed about the program, particularly the family obligations and grounds for termination of assistance. Proponents of requiring all adult family members to attend the briefing argue that the likelihood of misreporting income, fraud, and lease violations decreases when all adult members are briefed. However, one major disadvantage of this approach is that it can create scheduling problems for both the PHA and the family. When an adult household member misses the briefing and it cannot be rescheduled promptly, costly delays in issuance and leasing can occur.

Weighing the pros and cons of both approaches, a PHA will want to determine a policy that best meets its needs. Note that the inability of all adult family members to attend the briefing cannot be considered grounds for denial of assistance. PHAs must also grant reasonable accommodation requests that may be necessary for persons with disabilities in accordance with Federal civil rights laws.

3.2 Group Versus Individual Briefings

Families selected to participate in the HCV program may be briefed individually or in a group setting. There are advantages and disadvantages to both approaches. Should a group briefing be held, families should be presented with the opportunity to speak to an agency representative one-on-one so that sensitive questions may be asked and answered. See the following table which describes in detail the advantages and disadvantages of group and individual briefings.

Type of Briefing	Advantages	Disadvantages
Group Briefings	<ul style="list-style-type: none"> · Allows the PHA to better control the workload distribution of its leasing staff so that the PHA can allocate sufficient time to other leasing activities. · Efficient method for briefing a large number of families as quickly as possible. · Increases likelihood that families receive a consistent message from the PHA. · Families can learn from others with similar problems and questions and can share ideas and experiences. · Typically more appropriate for large programs, programs with aggressive leasing schedules, and programs with a heavy workload and limited staff. 	<ul style="list-style-type: none"> · Often does not encourage or allow sufficient time for questions to be raised by families and answered by PHA staff. (If group sessions are held, the PHA should allow time for one-on-one meetings to address individual questions and concerns following the briefings.) · Slows the leasing process as families wait to be briefed. · The larger the group, the less effective the briefing.
Individual Briefings	<ul style="list-style-type: none"> · Families can be briefed immediately after they are selected and determined eligible without having to wait for the next scheduled briefing. · Individual attention helps to clarify search process and program requirements, increasing likelihood that the family will be successful in leasing up. · More time can be spent explaining program benefits and encouraging families living in high-poverty census tracts to move to lower-property areas. · Affords more privacy and tailoring to meet family's needs. 	<ul style="list-style-type: none"> · May spread leasing staff too thin if they are conducting too many individual briefings, decreasing their ability to complete other important processing functions. · Increases likelihood of inconsistency in information if more than one person is conducting the individual briefings.

3.3 Length, Location, and Time

The length of the briefing is an important consideration. On the one hand, the briefing covers a substantial amount of important information, including some topics that may be complex and confusing to a Housing Choice Voucher holder who has limited program knowledge. Because of this, enough time should be

allocated for the briefing to ensure that all topics are adequately covered. On the other hand, if the briefing is too long, the voucher holder may lose interest or have difficulties taking time off work. Most agencies limit the briefing to no more than one hour. Briefings are usually held during regular business hours at the PHA's central office, but they can be held anywhere, including remotely via webcast, video call, or other methods at any time.

3.4 Remote Briefings

HUD does not have explicit requirement for briefings to be held in person. Advances in technology provide options for PHAs and families to participate remotely. Briefings may be conducted telephonically, via video-teleconferencing, or through other virtual platforms absent a request by a party for an in-person hearing or briefing.

PHAs that opt to conduct remote briefings must provide an opportunity for remote briefing participants to ask questions. Also, PHAs must meet certain requirements to ensure their technology platform is accessible for persons with disabilities. Under Section 504 and the ADA, PHAs are obligated¹³ to take appropriate steps to ensure effective communication with applicants, participants, members of the public, and companions with disabilities using appropriate auxiliary aids and services (AA/S). PHAs are required¹⁴ to furnish appropriate AA/S to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, each of the PHA's services, programs, and activities.

In addition, PHAs are required¹⁵ to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have equal opportunity to participate in all the PHA's privileges, benefits, and services unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program. In such cases, the PHA is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program.

For a remote briefing, steps for an accessible platform include ensuring any information, websites, emails, digital notifications, and platforms are accessible for persons with vision, hearing, and other disabilities. Helpful guidelines for ensuring the accessibility of web-based and digital materials are available through the [World Wide Web Consortium's Web Accessibility Initiative](#).

Effective communication for persons with various disabilities could be provided in a digital context. Individualized AA/S may include audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Under Section 504 and the ADA, the type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place. Important information is conveyed during briefings. PHAs must give primary consideration to the auxiliary aid or service requested by or requested on behalf of the individual with a disability. In order to be effective, auxiliary aids or services as this term is defined in 28 CFR 35.104 and 24 CFR 8.3 must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability as this term is defined in 28 CFR 35.108 (see also 28 CFR 35.160(b)(2) and 24 CFR 8.6).

¹³ 28 CFR 35.160(a)(1); 24 CFR 8.6

¹⁴ 28 CFR 35.160(b)(1); 24 CFR 8.6; 24 CFR 100.202(b); 24 CFR 100.204(a)

¹⁵ 24 CFR 8.33; 28 CFR 35.130(b)(7); 24 CFR 100.204

PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote briefings. PHAs may not¹⁶ rely on an adult or minor child accompanying a person with a disability to interpret or facilitate communication for such person, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

If no method of conducting a remote briefing is available that appropriately accommodates an individual's disability, the PHA may not hold that against the individual and their inability to participate in the remote briefing. The PHA should consider whether postponing the remote briefing to a later date is appropriate or whether there is a suitable alternative to meet the participant's satisfaction more expeditiously, such as conducting the briefing in-person.

PHAs must take reasonable steps to ensure full and meaningful access to the remote briefing for Limited English Proficiency (LEP) persons consistent with its obligations under Title VI of the Civil Rights Act of 1964. The obligation to provide meaningful access for LEP persons regarding remote briefings is particularly important meaning that the PHA will generally need to coordinate with a remote language interpretation service prior to the briefing. Further, conferencing technology may provide for remote interpretation; if video technology is available, remote interpretation using video is generally preferred over voice-only because of the additional visual cues. PHAs cannot rely on minors to interpret. For written materials, PHAs should engage with a language translation service. All written materials related to the remote briefing, whether paper or electronic, and whether provided before, during, or after the briefing, may need to be provided in a translated format.

In addition to ensuring that a PHA's technology platform is accessible for persons with disabilities and LEP persons, PHAs must identify and resolve technology barriers prior to conducting the remote briefings. The lack of technology or inability to use technology for a remote briefing can impose a disadvantage for individuals or families that may not be apparent to the PHA. Thus, the PHA should determine if barriers exist prior to scheduling the remote briefing. If the family does not have proper technological access which will allow the individual to fully participate, then the remote briefing should be postponed, or an in-person alternative must be provided. If the participant does not have proper technological access and the remote briefing warrants postponement due to the lack of proper access, the PHA may not hold against the individual his or her inability to participate in the remote briefing. See [Notice PIH 2020-32](#) for best practices in making the determination if a remote hearing or remote briefing can take place.

If video or telephone conference is used for the remote briefing, all materials being presented, whether paper or electronic, must be provided to the individual or family prior to the remote briefing. Individuals or families may prefer paper printouts over electronic documents due to lack of access to printers, difficulty viewing detailed documents on a cell phone, or difficulty viewing screensharing on an app. Any materials made available to the individual or family must meet the requirements for accessibility for persons with disabilities and persons with LEP.

The PHA must establish written procedures of all aspects of how the remote hearing or remote briefing will be conducted and the procedures should be readily available to the public. The procedures should also explain how documents will be presented prior to the remote briefing. Note that when making procedures readily available to the public, PHAs must still meet their obligations under Section 504 and the ADA to effectively

¹⁶ 28 CFR 35.160-164; 24 CFR 8.6

communicate with persons with disabilities and under Title VI of the Civil Rights Act of 1964 to provide meaningful access to individuals with LEP.

For documents that contain Personally Identifiable Information (PII) and are provided prior to the remote briefing, the PHA is responsible for minimizing the risk of exposure or misuse of the data collected, used, and shared. PHAs must safeguard sensitive information, including all PII at all times. PII is information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information directly linked or linkable to a specific individual. Examples of PII include name, Social Security Number, biometric records, date and place of birth, and mother's maiden name. PHAs are reminded not to transmit sensitive PII via an unsecured information system (e.g., electronic mail, Internet, or electronic bulletin board) without first encrypting the information and ensuring that the recipient can decrypt it. See [Notice PIH 2015-06](#) for more regarding privacy protection.

If PHAs would like to implement remote briefings, PHAs must¹⁷ update its administrative plan to include provisions to allow for the use of mail, electronic mail, webcast, and/or video call, as appropriate. When considering how the remote briefing will be conducted, the PHA shall ensure that electronic information stored or transmitted is secure per Notice PIH 2015-06, meets the requirements for accessibility for persons with disabilities and persons with LEP in Section 5 of [Notice PIH 2020-32](#), considers technology barriers described in Section 6 of Notice PIH 2020-32, and explains how documents will be presented prior to a remote briefing in Section 7 of Notice PIH 2020-32. See the table below for considerations in determining the location and time of briefings.

Considerations for Determining Briefing Location and Time

- Is the PHA's central office easily accessible, or would it be more convenient for the client if the briefing were offered at another public site (e.g., local community center, church, or public housing site) or remotely?
- Are there families with special needs and persons with disabilities who may require the briefing to be scheduled at some other location, such as the applicant's home or another PHA office or remotely?
- Is the geographical area large enough so that it is more practical to hold briefings at various sites throughout the jurisdiction or remotely?
- Would working families find early morning, evening, or weekend briefings more convenient to attend?
- When considering remote briefings, do the families have proper technological access which will allow them to fully participate?

¹⁷ 24 CFR 982.54(d)(1)

4 Subsidy Standards

The PHA must¹⁸ establish subsidy standards that determine the number of bedrooms needed for families of different sizes and composition. PHAs must¹⁹ determine the appropriate family unit size (i.e., number of bedrooms for which the family qualifies under the PHA's occupancy standards). Family unit size is entered on the voucher issued to the family.²⁰

The following requirements²¹ apply when determining the family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding;
- The subsidy standards must²² be consistent with space requirements under the housing quality standards (HQS);
- The subsidy standards must be applied consistently for all families of like size and composition;
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family's unit size;
- A family that consists of a pregnant woman only, and no other persons, must be treated as a two-person family in determining the family's unit size; and
- Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size. Although a live-in aide may have PHA-approved family members live with him or her in the assisted unit, no additional bedrooms may be provided for the family members of the live-in aide.²³ The PHA must²⁴ ensure that approval of the live-in aide's family will not violate HQS.

A subsidy standard of one bedroom for every two persons is acceptable and may be adopted as a cost-cutting measure.²⁵ Alternatively, a PHA's subsidy standards could call for separate or additional bedrooms based upon:

- The age, sex, or relationship of household members;
- Disability-related or health needs, including reasonable accommodations; and
- Other personal circumstances.

4.1 Changes in Family Composition

Families are not required to move from an assisted unit when there is a change in family composition that results in the number of bedrooms in the unit exceeding the number of bedrooms for which the family is eligible. Instead, the PHA would reduce the subsidy standard to conform with the PHA's policies and also

¹⁸ 24 CFR 982.402(a)(1)

¹⁹ 24 CFR 982.402(a)(2)

²⁰ 24 CFR 982.402(a)(3)

²¹ 24 CFR 982.402(b)

²² 24 CFR 5.703(d)(5)

²³ PIH Notice 2014-25 Over Subsidization in the Housing Choice Voucher Program

²⁴ 24 CFR 982.402(d)(1)

²⁵ PIH Notice 2011-28: Cost-Savings Measures in the Housing Choice Voucher (HCV) Program, pg. 5

reduce the payment standard in accordance with the PHA's policy, which may²⁶ be immediately or no later than the family's first regular reexamination following the change in family composition.

4.2 PIC or Successor System Data Entry

PHAs are expected to ensure that data on the Form HUD-50058, Family Report is correct when entered in Inventory Management System/Public and Indian Housing Information Center (IMS/PIC) or its successor system. Whenever there is a change in the subsidy standard and corresponding payment standard for which the family is eligible, lines 12a and 12j of the Family Report must be adjusted accordingly. All live-in aides and, if applicable, their family members, must be entered on the report and coded L (live-in aide) in Section 3h.

4.3 Live-in Aides

Unless a live-in aide resides with the family, the family unit size for any family consisting of a single person must²⁷ be either a zero or one-bedroom unit, as determined under the PHA's subsidy standards. The definition of a live-in aide is recorded in 24 CFR § 5.403, which states that a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person (i.e., identified live-in aide). In accordance with this definition, a live-in aide is not considered a member of the assisted family and is not entitled to the HCV as the remaining member of the tenant family.

The PHA must²⁸ approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by a family member with a disability. The PHA may²⁹ disapprove a particular person as a live-in aide if s/he has: (1) committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program; (2) committed drug-related criminal activity or violent criminal activity; or (3) 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.

PHAs may not approve an unidentified live-in aide nor a larger unit than the family qualifies for under the PHA's subsidy standards for an unidentified live-in aide. Occasional, intermittent, multiple or rotating caregivers typically do not reside in the unit and would not qualify as live-in aides. Therefore, an additional bedroom must³⁰ be approved for a live-in aide under these circumstances.

A PHA may only approve one additional bedroom for a live-in aide. Although a live-in aide may have PHA-approved family member/s live with him/her in the assisted unit, no additional bedrooms will be provided for the family members of the live-in aide. The PHA must ensure that housing quality standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping room in the unit in accordance with 24 CFR § 5.703(d)(5). If the approval of additional family members of a live-in aide would result in the violation of HQS, the additional family members of the live-in aide may not be approved.

²⁶ 24 CFR 982.505(c)(6)

²⁷ 24 CFR 982.402(b)(7)

²⁸ 24 CFR 982.316

²⁹ 24 CFR 982.316(b)

³⁰ PIH Notice 2014-25, Over Subsidization in the Housing Choice Voucher Program

4.4 Medical Equipment

Although PHAs may approve an additional bedroom for medical equipment if the need is documented by a health care provider, the actual equipment in the extra bedroom should be verified by the PHA during the annual inspection of the unit. If the extra bedroom is not being used for the intended purpose, the PHA must³¹ reduce the subsidy standard and corresponding payment standard at the family's next annual recertification.

4.5 Reasonable Accommodations

A family may always request a reasonable accommodation to program rules, policies, practices, or services, including to the live-in aide policy to permit program participation by individuals with disabilities. A family's composition or circumstances may warrant the provision of an additional bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit. Such limited exceptions to the established subsidy standards are permitted under 24 CFR § 982.402(b)(8) and in accordance with any published PIH notices.

The PHA must consider requests for an exception to the established subsidy standards on a case-by-case basis and provide an exception, where necessary, as a reasonable accommodation. A reasonable accommodation request may only be denied if it is not necessary or if it imposes an undue financial and administrative burden on the housing provider or fundamentally alter the nature of the provider's operations. The PHA shall document the justification for all granted exceptions to the PHA's established subsidy standards.

5 Voucher Issuance

5.1 Introduction

The HCV Form HUD-52646, commonly referred to as the voucher, is the family's authorization to search for housing. The voucher can be issued to the family only after the PHA has determined the family is eligible to participate in the HCV program and has conducted an oral briefing and provided the family with an information packet on the program. The voucher specifies the unit size for which the family qualifies at the time of issuance. This unit size is used to determine the amount of assistance the PHA will pay to the owner on behalf of the family. The voucher includes both the date of voucher issuance and date of expiration. The voucher contains a brief description of how the program works and explains the family obligations under the program.

The voucher is evidence that the PHA has determined the family to be eligible for the program and plans to subsidize the family if the family selects a unit that can be approved under program requirements. However, the PHA is under no obligation to either the family or the owner to approve a tenancy and the voucher does not give the family any right to participate in the PHA's HCV program. The family becomes a participant in the PHA's HCV program when the HAP contract between the PHA and the owner takes effect.

While the voucher is not a guarantee that the family will become a participant in the program, successfully housing families is the program's primary goal. To effectively manage their HCV programs, PHAs need to

³¹ PIH Notice 2014-25, Over Subsidization in the Housing Choice Voucher Program

balance voucher utilization and family success rates. See Section 7 of this chapter on Assisting Families During the Housing Search.

The PHA will want to issue enough HCVs to:

- Meet its leasing schedule if a new allocation is received;
- Utilize its' unit months available or budget authority, including reserves;
- Replace expired vouchers; and
- Account for families who have left the program, thereby making vouchers (known as turnover vouchers) available for use by new families.

Regardless of the number of outstanding vouchers, the PHA must³² always issue a voucher if necessary to move an overcrowded participating family or a participating family living in unsafe/exigent safety violation(s) housing where the owner refuses to make repairs (abatement).

The PHA must³³ receive information verifying that the applicant is eligible within 60 days before the PHA issues a voucher to the applicant. Verifications used to establish eligibility and level of benefits may be no more than 120 days old as of the date they are received. For more information on the verification requirements, see [Notice PIH 2023-27](#).

The family must³⁴ date and sign the voucher. It is industry practice that the family signs two vouchers, with the second being retained in the family's file.

5.2 Over-Issuance

Over-issuing vouchers (that is, issuing more vouchers than could be supported under the PHA's Annual Contributions Contract (ACC) if all of the vouchers resulted in HAP contracts) can be a useful tool for improving and maintaining a high leasing rate. By over-issuing, a PHA can compensate for the number of issued vouchers that will not result in the execution of a HAP contract.

However, over-issuing requires the PHA to closely monitor and track voucher success rates. A PHA's success rate is the percentage of vouchers it has issued to families in a year that result in an actual lease-up. Only with good success rate data can a PHA judge the degree it can overissue without committing itself to more units than can be assisted using the PHA's available annual budget authority. PHAs are prohibited from using current year annual budget authority or HAP reserves (net restricted assets) to lease over-allocated unit months leased.

In some cases, over-issuing vouchers could result in the PHA rescinding a voucher when more applicant families successfully lease up under the program than previously anticipated. The PHA should have a written policy as to how these families will be treated³⁵. For example, the family may be retained in a verified pool of applicants and issued a voucher when funding becomes available, or the family may be returned to the top of the waiting list.

³² 24 CFR 982.403(a)(1)

³³ 24 CFR 982.201(e)

³⁴ Form HUD-52646, line 6

³⁵ 24 CFR 982.54

5.3 When to Issue

Although the PHA may issue the voucher independently or in conjunction with the in-person briefing session, the industry best practice is for the PHA to issue the family the voucher at the conclusion of the briefing session. This is an efficient approach to reducing the number of times the family needs to return to the PHA office to complete additional paperwork.

6 Search Time, Extensions, and Voucher Expirations

6.1 Initial Voucher Term

The initial term of a Housing Choice Voucher must³⁶ be at least 60 calendar days, and this term must be stated on the voucher. The family must³⁷ submit its request for tenancy approval and a copy of the proposed lease, including the HUD-prescribed tenancy addendum, within the specified period, unless the PHA grants an extension.³⁸

While 60 days is the minimum initial term, the PHA may establish a longer term as necessary based on local housing market conditions. This longer term would reduce the number of requests for extensions in areas where families experience difficulty in locating an acceptable unit within 60 days. Although there is no “maximum term,” the term may not be indefinite.

When establishing its policy on the initial term of the voucher, the PHA should consider the same factors as referenced below in Section 6.2 Extensions of Search Time.

6.2 Extensions of Search Time

At its discretion, the PHA may grant extensions of search time and determine the length of an extension and the circumstances under which extensions will be granted. If the PHA grants an extension, the PHA must provide notice to the family.³⁹ There is no limit on the number of extensions that the PHA can approve. Discretionary policies related to extension of search time must⁴⁰ be described in the PHA’s administrative plan, including a description of how the PHA determines whether to grant extensions and how the PHA determines the length of any extension.

Upon a family’s request, PHAs must⁴¹ extend the HCV term if needed as a reasonable accommodation to make the program accessible to a family member who is a person with disabilities. The extension period must⁴² be up to the term reasonably required for the purpose of making the program accessible to the family member with the disability.

When establishing PHA policy on the length of the extension, the PHA should consider the following:

³⁶ 24 CFR 982.303(a)

³⁷ 24 CFR 982.303(a)

³⁸ 24 CFR 982.302(c)

³⁹ 24 CFR 982.303(b)(1)

⁴⁰ 24 CFR 982.303(b)(1)

⁴¹ 24 CFR 982.303(b)(2)

⁴² 24 CFR 982.303(b)(2)

- How tight is the local housing market? A PHA located in a tight housing market may wish to automatically extend the voucher period whenever an extension is requested due to the likelihood that it will take voucher holders longer to locate approvable units. A PHA located in a housing market where the supply of affordable units exceeds the demand may choose not to grant extensions except in special circumstances.
- What is the approximate wait time for an applicant on the waiting list? If the wait is long and there are many potentially eligible applicants waiting for an HCV, PHAs may wish to grant extensions only to those voucher holders who have demonstrated that they have made a substantial effort to locate a suitable housing unit or to those with extenuating circumstances.

When determining who should receive extensions, the PHA should consider the following:

- The family's level of effort to find a suitable unit during the initial term (e.g., Did the family contact owners and real estate companies, search newspaper listings, explore neighborhoods for "For Rent" signs, or check with community organizations?);
- Level of support services requested by and provided to the family;
- Extenuating circumstances that prevented the family from finding a unit, such as:
 - Serious illness or hospitalization in the family;
 - Death in the family;
 - Family emergency; or
 - Obstacles due to employment;
- Whether the family has already submitted requests for approval of the tenancy for units that were not approved by the PHA; or
- Whether family size or other special requirements made finding a unit difficult. For example, family size or disability-related circumstances that may make it more difficult for a family to search or find acceptable housing.

The PHA should also consider whether they will grant more than one extension to a family. For example, a PHA may have a policy that they will grant one 30-day extension upon written request but will only grant additional extensions as a reasonable accommodation or for other extenuating circumstances.

The PHA may request a report(s) or update(s) from the family on its progress in leasing a unit during the initial or extended search term.

It is good practice to clarify to families that the Housing Choice Voucher term expiration pertains to the deadline for submission of a request for tenancy approval, not to the date the unit is available for inspection, the date the PHA completes their approval process, or the date the unit will be available for occupancy. For example, if an HCV term expiration date is June 15, the request for tenancy approval could be received no later than June 15, although the occupancy date may be August 1.

6.3 Suspension of Search Time

The PHA must⁴³ provide for suspension of the initial or any extended term of the voucher from the date that the family submits a request for PHA approval of tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied. "Suspension" means stopping the clock on a family's HCV term when a family submits the request for tenancy approval until the time the PHA approves or denies the request. Suspension applies even if a family that submits a request for tenancy approval decides to cancel

⁴³ 24 CFR 982.303(c)

such request. In such cases, the suspension ends when the PHA learns of the cancellation. This suspension of time is also called “tolling.”

Example: Voucher Term Expiration	
Voucher Issued:	May 1
Term of the Voucher:	60 days
Voucher Expiration Date:	June 29
Family Submits Request for Tenancy Approval:	May 15
PHA Denies Unit:	May 24
Tolling Time:	9 Days (May 16-May 24)
New Voucher Expiration Date:	July 8 (June 29 + 9 days)
This example is based on a PHA suspending housing search time from the date the request for tenancy approval is received to the date the PHA decides whether to approve or deny the assisted tenancy.	

6.4 Voucher Term Expiration

The PHA’s policy on how to treat a family whose HCV term expires with or without an extension is considered to be part of the PHA’s policy governing the voucher term and any extensions of the term. Such a policy must⁴⁴ be included in the PHA’s administrative plan. The PHA may require the family reapply when the PHA begins accepting applications or place the family on the waiting list with a new application date without requiring the family to reapply. However, the PHA may not determine the family to be ineligible for the program on the grounds that it was not able to lease up.

In addition, an extension may be requested as a reasonable accommodation for a person with disabilities even after the voucher term expires.

6.5 Fair Housing Requirement

If a family believes it has been discriminated against in its search for housing on the basis of race, color, religion, sex, national origin, familial status, or disability, the family may file a housing discrimination complaint with any HUD Field Office of Fair Housing and Equal Opportunity (FHEO). The family may also file a complaint if the family believes it has been discriminated against by the PHA on any of those bases or on the basis of age. Each briefing packet must⁴⁵ include the contact information for the Section 504 coordinator, the housing

⁴⁴ 24 CFR 982.54(d)(2)

⁴⁵ 24 CFR 982.301(b)(10)

discrimination complaint form ([HUD-903.1](#) or the appropriately translated [version](#)), and the PHA must⁴⁶ provide the family with information on how to fill out and file a housing discrimination complaint. The PHA is also encouraged to inform FHEO when it learns of possible violations of the Fair Housing Act.

Both PHAs and owners are subject to the nondiscrimination requirements under the Violence Against Women Reauthorization Act (VAWA) of 2013 and HUD's implementing VAWA regulations.⁴⁷ (See the [VAWA chapter](#)). Owners cannot⁴⁸ deny tenancy based on the fact that an applicant is or has been a survivor of domestic violence, dating violence, sexual assault, or stalking if the applicant otherwise qualifies for tenancy. VAWA complaints may raise claims that are covered by the Fair Housing Act. If a family feels it has been subject to VAWA violations or housing discrimination, the PHA is encouraged to advise the family that it may file a VAWA and/or Fair Housing Act complaint.

HUD's assisted and insured housing programs are open to all eligible individuals. Upon receipt of a complaint alleging a Fair Housing violation from an applicant or participant against an owner who has executed a HAP contract with a PHA, the PHA is encouraged to advise the family that it may file a Fair Housing Act complaint. In addition, the PHA must⁴⁹ determine if a program violation occurred and implement appropriate corrective action(s). The PHA may seek assistance from its local HUD Field Office of Public Housing in order to make this determination.

7 Assisting Families During the Housing Search

One method for improving leasing success rates is providing assistance to families during the housing search process. A PHA's goal is to keep the number of vouchers that are issued but never result in a HAP contract to a minimum. Periodic contact with voucher holders during the search process has proven to be an effective method to improve leasing success. Such contact allows the PHA to assess the family's progress in locating units and to resolve any issues and clarify program requirements before the expiration of the voucher term. The PHA can also use this communication with the participants to remind them of the expiration date of the voucher and to reinforce the importance of locating a unit and returning a request for tenancy approval or requesting an extension prior to the date of expiration.

Depending upon an agency's leasing status and the availability of funds and staff, other services that a PHA may wish to provide to families include:

- Briefings and information on neighborhoods and amenities in the PHA's jurisdiction;
- Transportation to visit units;
- Neighborhood tours;
- Counseling services/search assistance;
- Childcare for parents searching for units;
- Listings of vacant rental units in a variety of areas; and
- Loans or financial assistance to pay for security deposits, utility deposits, and moving costs.

⁴⁶ 24 CFR §982.304

⁴⁷ 24 CFR part 5, Subpart L; 24 CFR 982.452(b)(1); PIH Notice 2017-08 Violence Against Women Reauthorization Act of 2013 Guidance

⁴⁸ 24 CFR 982.452(b)(1)

⁴⁹ Notice PIH 2014-20

A housing search log can be a helpful tool for families to track their search efforts and to discuss with PHA staff any obstacles the family encounters, answer additional questions, and reinforce that paperwork is due prior to the voucher expiration date. PHA staff are also encouraged to allow families to email search logs or submit the logs online if the housing authority has that capability.

PHAs have an obligation to make their HCV program readily accessible to and usable by persons with disabilities. Engaging with applicants with disabilities in the housing search process will help PHAs identify and address specific obstacles to securing housing that meets applicants' disability-related needs and help ensure applicants with disabilities can access the HCV program. Applicants with disabilities cannot be excluded from participation in or denied the benefits of the HCV program, which means a PHA must consider the availability of affordable accessible housing when evaluating its HCV program in its entirety. PHAs must⁵⁰ provide a current listing of available accessible housing units known to the PHA when issuing a voucher to a family that it knows includes an individual with disabilities and must otherwise assist the family in locating an available accessible unit. Actions a PHA may take in addition to approving individual reasonable accommodation requests include enhancing the list of known accessible HCV units by including additional information, such as bedroom size, amenities, proximity to transportation, encouraging private landlords with known accessible units to participate in HCV programs, and adopting more flexible policies related to portability and extensions of search time.

8 Request for Tenancy Approval

Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the family must⁵¹ submit two documents to the PHA no later than the expiration date stated on the Housing Choice Voucher:

- A request for tenancy approval, and
- An unexecuted copy of the lease, including the HUD-prescribed tenancy addendum.

The PHA has the discretion to specify the procedure for requesting tenancy approval, and the family must⁵² submit the request for tenancy approval in the form and manner required by the PHA. PHAs must⁵³ collect the information on the Form HUD-52517, Request for Tenancy Approval. The Form HUD-52517 contains basic information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease. Owners must⁵⁴ certify that they are not the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA has granted a request for reasonable accommodation for a person with disabilities who is a member of the household.⁵⁵ For units constructed prior to January 1, 1978, owners must⁵⁶ either: (1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified lead-based paint inspector; or (2) disclose to the lessee the presence of any known lead-based paint and/or lead-based paint hazards as required by the Lead Disclosure Rule (24 CFR 35, subpart A),

⁵⁰ 24 CFR 982.301(b)(12)

⁵¹ 24 CFR 982.302(c)

⁵² 24 CFR 982.302(d)

⁵³ Form HUD-52517

⁵⁴ Form HUD-52517

⁵⁵ Form HUD-52517, line 12b

⁵⁶ Form HUD-52517, line 12c

as described in Section 10.2 of this chapter. Finally, owners of projects with more than four units must⁵⁷ provide rent amounts for recently leased comparable units within the premises for purposes of the PHA's determining whether the requested rent is reasonable (see the [Rent Reasonableness chapter](#)).

The PHA has the discretion to permit a family to submit more than one request for tenancy approval at a time. When determining whether to allow submission of more than one request for tenancy approval at a time, PHAs may want to consider whether such a practice will be confusing to owners, and whether staff time allows for such a practice.

9 PHA Approval of the Tenancy

Before approving the assisted tenancy and executing the HAP contract, the PHA must⁵⁸ ensure that the following program requirements have been met:

- The unit is eligible;
- The unit has been inspected by the PHA and meets HQS;
- The lease includes the tenancy addendum;
- The rent charged by owner is reasonable; and
- At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share does not exceed 40 percent of the family's monthly adjusted income. This cap is referred to as the maximum initial rent burden.

The following actions must be completed before the beginning of the lease term:

- The PHA must⁵⁹ inspect the unit and determine that the unit meets HQS (see Section 9.3 of this chapter);
- The owner and the tenant must⁶⁰ have executed the lease, including the HUD-prescribed tenancy addendum and, for most units constructed prior to January 1, 1978, the lead-based paint disclosure information as required in 24 CFR §§ 35.88 and 35.92(b) (see Section 10.2 of this chapter); and
- The PHA must approve leasing of the unit in accordance with program requirements.

9.1 Eligible Housing

The tenancy cannot⁶¹ be approved if the chosen unit is one of the following:

- Public or Indian Housing unit;
- Unit receiving project-based assistance under Section 8 of the 1937 Act (42 U.S.C. 1437f);
- Nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services;
- College or other school dormitories;

⁵⁷ Form HUD-52517, line 12a

⁵⁸ 24 CFR 982.305(a)

⁵⁹ 24 CFR 982.305(b)

⁶⁰ 24 CFR 982.305(b)(1)(ii)

⁶¹ 24 CFR 982.352(a)

- Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- Unit occupied by its owner or by a person with any interest in the unit; or
- Unit owned by the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.⁶²

However, assistance may be provided to a family residing in shared housing, a cooperative or to an owner of a manufactured home leasing a manufactured home space. Please refer to the [Special Housing Types chapter](#).

Units owned or substantially controlled by the PHA administering the ACC for the Housing Choice Voucher may be leased under the HCV program only if the following conditions are satisfied:

- The unit is not ineligible housing, as described above; and
- The PHA informs the family, both orally and in writing, that the family has the right to select any eligible unit available for lease, and the family selects the PHA-owned unit freely, without PHA pressure or steering.

The Housing Choice Voucher issued to the family will state the unit size (i.e., the number of bedrooms for which the family qualifies according to the PHA's subsidy standards). Regardless of the number of bedrooms stated on the Housing Choice Voucher issued to the family, the family may rent an otherwise acceptable unit that is smaller than the size indicated on the family's HCV, as long as the unit meets HQS space standards (i.e. no more than two persons per living/sleeping room) (see Section 9.3 of this chapter). Also, the PHA may grant an exception to its subsidy standards if the PHA determines that the exception is justified by the age, sex, health, disability, or relationship of family members or other personal circumstances.

9.2 Prohibition Against Other Housing Subsidy

A family may not receive the benefit of tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

- Public or Indian Housing assistance;
- Other Section 8 assistance (including other tenant-based assistance);
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);
- Section 101 rent supplements;
- Section 236 rental assistance payments;
- Tenant-based assistance under the HOME program;
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
- 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.

⁶² 24 CFR 982.306(d)

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.

9.3 Unit Meets Housing Quality Standards (HQS)

To ensure that all residents live in safe, habitable dwellings, the items and components located inside the building, outside the building, and within the units must be functionally adequate, operable, and free of health and safety hazards.⁶³ This determination is made using HUD’s HQS and/or equivalent State or local standards approved by HUD. HQS is the minimum quality standards developed by HUD in accordance with [24 CFR 5.703](#) for the HCV program, including any variations approved by HUD for the PHA under [24 CFR 5.705\(a\)\(3\)](#). The PHA must notify the family and owner of its determination as to whether the unit meets HQS⁶⁴.

For PHAs with 1,250 or fewer budgeted (available) Housing Choice Voucher units, the notice to the family and owner must⁶⁵ be made within 15 calendar days after the family and owner submit the request for tenancy approval. The 15-day clock is suspended during any period when the unit is not available for inspection.

For PHAs with more than 1,250 budgeted Housing Choice Voucher units, the notice to family and owner must⁶⁶ be made within a reasonable time after the family and owner submit the request for tenancy approval. However, to the extent practicable, such inspection and determination must be completed within 15 days after the family and owner submit the request. The 15-day clock is suspended during any period the unit is not available for inspection⁶⁷ (see Section 9.3 of this chapter).

For units constructed prior to January 1, 1978, where a child under age 6 will be residing,⁶⁸ the PHA must have an inspector (whether on staff or contracted) trained in visual assessment for deteriorated paint surfaces in accordance with procedures established by HUD⁶⁹ conduct a visual assessment of all painted surfaces in order to identify any deteriorated paint and inform the owner of the results.⁷⁰ If any deteriorated paint surfaces are identified, the owner must stabilize each such surface before the family occupies the unit⁷¹ and provide a notice to occupants describing the results of the paint stabilization’s clearance examination within 15 days after that examination.⁷² The owner must incorporate ongoing lead-based paint maintenance activities into regular building operations unless a lead-based paint inspection or a lead hazard reduction clearance report indicates that no lead-based paint is present in the dwelling units, common areas, and on

⁶³ 24 CFR 5.703(a)

⁶⁴ In accordance with PIH Notice 2024-26, the compliance date in which PHAs must implement NSPIRE standards is October 1, 2025

⁶⁵ 24 CFR 982.305(a)

⁶⁶ 24 CFR 982.305(b)

⁶⁷ Notice PIH 2017-20 HOTMA HQS Implementation Guidance issued on October 27, 2017

⁶⁸ Exemptions exist for a residential property that a certified lead-based paint inspection found not to have lead-based paint, or from which all lead-based paint has been identified and removed, and clearance has been achieved.

⁶⁹ [24 CFR 35.1215\(a\)\(1\)](#); online training (taking about 1 hour) is available at <https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>; certified lead-based paint risk assessors can also perform the visual assessment ([40 CFR 745.227\(d\)\(4\)\(ii\)](#)).

⁷⁰ 24 CFR 35.1215(a)(1)

⁷¹ [24 CFR 35.1215\(b\)](#)

⁷² [24 CFR 35.125\(b\)](#)

exterior surfaces⁷³. If a child under age 6 residing in an HCV unit is found to have an elevated blood lead level, the PHA and the owner shall respond as described in 24 CFR 35.1225.⁷⁴

9.4 Rent Reasonableness

Prior to tenancy approval, the PHA must⁷⁵ make a rent reasonableness determination by comparing the rent being charged by the owner to rents for other comparable unassisted units (see the [Rent Reasonableness chapter](#)).

If the proposed rent is determined to be too high and does not meet the rent reasonableness limitation, the PHA may wish to engage in negotiations with the owner and attempt to reduce the rent to owner or to include some or all of the utilities in the contract rent. It is often in the PHA's interest to make its best effort to approve the tenancy and execute a lease and HAP contract. Starting the search over increases time and money spent on the leasing process and may increase frustration for all parties.

9.5 Maximum Initial Rent Burden

At initial occupancy of a unit (new admissions and unit transfers), if the gross rent of the unit exceeds the applicable payment standard for the family, the PHA must⁷⁶ ensure that the family share does not exceed 40 percent of the family's monthly adjusted income. This cap is referred to as the maximum initial rent burden. If the total family share exceeds 40 percent of the family's monthly adjusted income, the PHA cannot approve the tenancy. If the family requests the PHA's assistance in negotiating the rent, the PHA must⁷⁷ assist the family. In cases where an owner may have to reduce the rent to owner by a small amount, the owner may prefer this rent reduction to having a unit that could remain vacant for any period of time.

Maximum Initial Rent Burden Example	
Adjusted Income	\$700
40% Adjusted Income	\$280
Total Tenant Payment	\$210
Gross Rent	\$1,050
Payment Standard	\$950
Amount Gross Rent exceeds Payment Standard (\$1,050-\$950)	\$100

⁷³ 24 CFR 35.1320, 24 CFR 35.1355(a)

⁷⁴ [24 CFR 35.1225](#)

⁷⁵ 24 CFR 982.305(a)(4)

⁷⁶ 24 CFR 982.305(a)(5) and 42 USC 1437f(o)(3))

⁷⁷ 24 CFR 982.506

Family Share (\$210 + \$100)	\$310
The total tenant payment is calculated as described in the Calculating Rent and Housing Assistance Payments chapter . Since \$310 exceeds 40 percent of adjusted monthly income (\$280), the PHA cannot approve the tenancy, and family cannot rent the unit.	

9.6 PHA Disapproval of Owner

Under certain circumstances, the PHA may disapprove a tenancy due to factors related to the owner. See the [HAP Contracts chapter](#) for an in-depth discussion of when HUD mandates the PHA not to approve the assisted tenancy due to the owner's history.

9.7 Tenant Screening

Tenant screening and selection are the responsibility of the owner. At or before tenancy approval by the PHA, the PHA must⁷⁸ inform the owner of this responsibility. Although tenant screening and selection remain the function of the owner, PHAs may opt to screen for family behavior or suitability for tenancy. The PHA must⁷⁹ conduct any such screening of applicants in accordance with policies stated in its administrative plan.

PHAs are required to give the owner the following information:

- Current and prior address of the prospective HCV tenant, as recorded by the PHA; and
- Name and address, if known to the PHA, of the prospective HCV tenant's current and prior landlord.

The PHA may offer the owner other information in the PHA possession about the family, including information about the tenancy history of family members, or about drug trafficking by family members. If the PHA adopts a policy of offering owners other information the PHA has about a family related to past tenancy and drug trafficking history, this policy must⁸⁰ be included in the PHA's administrative plan and in the information packet that the family receives at the briefing. The PHA must⁸¹ provide the same types of information to all families and to all owners. In cases involving a survivor of domestic violence, dating violence, sexual assault, or stalking, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) applies.

The PHA may inform owners that they may consider a family's background with respect to such factors as:

- Payment of rent and utilities;
- Care of unit and premises;
- Respect for the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that threatens the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.

⁷⁸ 24 CFR 982.307(a)(2)

⁷⁹ 24 CFR 982.307(a)(1)

⁸⁰ 24 CFR 982.307(b)

⁸¹ 24 CFR 982.307(b)(3)

10 Lease and Tenancy

10.1 Notification to Owner and Family

After receiving the family's request for tenancy approval and determining whether assisted tenancy may be approved based on the requirements listed within this chapter, including the unit meeting the HQS (see Section 9.3 of this chapter)⁸², the PHA must⁸³ promptly notify the family and owner of whether the assisted tenancy is approved. If the PHA approves the tenancy, the family and the owner enter into a lease, the PHA prepares the HAP contract, and the owner and the PHA execute the HAP contract (see the [HAP Contracts chapter](#)). For units constructed prior to January 1, 1978, where a child under age 6 will be residing, if any deteriorated paint surfaces are identified by the PHA's trained inspector, the owner must stabilize each such surface before the family occupies the unit (see Section 9.3 of this chapter for details and exceptions).

In addition, the PHA must provide the applicant for HCV assistance with the Notice of Occupancy Rights under VAWA and the Certification Form at the time the applicant is provided assistance or admission to the program. For the HCV program, this term refers to the date that the HAP contract is executed, though the PHA may provide the notice earlier.

10.2 Lease

As the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner, the tenant must⁸⁴ have legal capacity to enter into a lease under State or local law.

The tenant and the owner must⁸⁵ enter and execute a written lease for the unit. The lease must⁸⁶ be in the standard form the owner uses in the locality or the premises for rental to unassisted tenants. The HAP contract prescribed by HUD contains the owner's certification that, if the owner uses a standard lease form for rental to unassisted tenants, that lease form is used for the assisted unit as well. If the owner does not use a standard form of lease to unassisted tenants, another form of lease may be used.

The lease must⁸⁷ include the following information:

- Names of the owner and tenant;
- Unit address;
- The unit rented (address, apartment number, and any other information needed to identify the contract unit);
- Term of the lease, including initial term and any provision for renewal;
- Amount of monthly rent to owner; and
- Specification of what utilities and appliances are to be supplied by the owner and what utilities and appliances are to be supplied by the family.

⁸² 24 CFR 5.703(a); exceptions may apply if the PHA uses the initial inspection's alternative inspection option (24 CFR 5.703(g), 24 CFR 982.406) or the initial inspection's no life-threatening deficiencies option, 24 CFR 982.405(j).

⁸³ 24 CFR 982.305(d)

⁸⁴ 24 CFR 982.308(a)

⁸⁵ 24 CFR 982.308(b)(1)

⁸⁶ 24 CFR 982.308(b)(2)

⁸⁷ 24 CFR 982.308(d)

The HAP Contract must⁸⁸ include verbatim the HUD-prescribed tenancy addendum. The tenancy addendum (Form [HUD-52641-A](#) or its translated [version](#)) can also be found in Part C of Form HUD-52641, HAP Contract for the Housing Choice Voucher Program. The tenancy addendum sets forth the tenancy requirements for the program. The tenant has the right to enforce the tenancy addendum against the owner. The terms of the tenancy addendum prevail over any conflicting provisions of the lease.

For a unit constructed before 1978,⁸⁹ the lease must⁹⁰ include an attachment (or language inserted in the lease itself),⁹¹ which includes a Lead Warning Statement⁹² and confirms that the owner has complied with all notification requirements, including the owner:

- Disclosing the presence of known lead-based paint and/or lead-based paint hazards in the housing or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards;
- Disclosing any additional information available concerning known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist in the housing, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces; and
- Including a list of any records or reports available to the owner pertaining to lead-based paint and/or lead-based paint hazards in the housing that have been provided to the family.⁹³ If no such records or reports are available, the owner shall so indicate.

The family's affirming receiving from the owner the Protect Your Family lead hazard information pamphlet (see Section 2.5.1 of this chapter) and the information above.

The Lead Disclosure Rule attachment is to be provided in the same language used in the rest of the lease. The owner and any agents on the transaction for the owner, as well as the family member signing the lease, must sign and date the attachment.

The PHA may choose to review the lease to determine compliance with State and local laws and may deny the request for tenancy if the PHA determines noncompliance. If the owner does not use a standard lease form, PHAs may encourage the owner to obtain a standard form from a local licensed real estate agent or other reliable source. The use of a model lease provided by the PHA should be limited to those rare cases where the owner cannot locate an acceptable standard form. If a PHA-provided model lease is used, the model lease should not refer specifically to the PHA or the HCV program.

⁸⁸ 24 CFR 982.308(f)

⁸⁹ Exceptions apply if the unit is a 0-bedroom unit and no child under age 6 will reside in the unit, or if a certified lead-based paint inspector has found the unit to be lead-based paint free.

⁹⁰ 24 CFR 35.88, 24 CFR 35.92(b)

⁹¹ A sample attachment is provided in English at

https://www.epa.gov/sites/default/files/documents/lesr_eng.pdf, and in Spanish at https://www.hud.gov/sites/dfiles/HH/documents/Ejemplo_de_formulario_de_divulgaci%C3%B3n_del_arrendador-508.pdf

⁹² 24 CFR 35.92(b)(1)

⁹³ If the owner provides a list of records or reports, and not the documents themselves as well, the owner must provide the family with the opportunity to review the complete documents in a central location on the premises, if feasible, and the opportunity to receive copies of any documents not provided, upon request, and at no cost to the family.

Before preparing the HAP contract, the PHA should review the lease to ensure that the following information is consistent with the request for tenancy approval:

- Family composition;
- Unit address (address, apartment number, and any other information needed to identify the contract unit);
- Effective date of the lease;
- Initial term and renewal terms of the lease;
- Initial rent to owner; and
- Information regarding what utilities and appliances are to be supplied by the owner and what utilities and appliances are to be supplied the family.

The PHA may approve the tenancy and execute a HAP contract even if there is less than one year remaining from the beginning of the lease term to the end of the last expiring funding increment under the PHA's consolidated ACC.

It is important that the family and owner understand the terms of the lease, tenancy addendum, and HAP contract. Ideally, PHAs schedule a joint meeting with the family and owner to review these documents. In addition to reviewing the specific terms of the lease and contract, the PHA can use this meeting to clarify owner requirements for participating in the program, reinforce tenant requirements for participating in the program, clarify points of contact within the PHA, and answer any questions or respond to any comments or concerns.

10.3 Changes in Lease or Rent

If the tenant and the owner agree to any changes in the lease, the changes must⁹⁴ be in writing and the owner must⁹⁵ immediately give the PHA a copy of the changes. The lease, including any changes, must⁹⁶ be in accordance with the requirements of the above section.

In the following cases, tenant-based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner:

- Requirements governing tenant or owner responsibilities for utilities or appliances;
- If there are any changes in lease provisions governing the term of the lease; or
- If the family moves to a new unit, even if the unit is in the same building or complex.

PHA approval of the tenancy, and execution of a new HAP contract, are not required for other changes in the lease.

The owner must⁹⁷ also notify the PHA of any changes in the amount of the rent to owner at least 60 days before any such changes go into effect, and any such changes shall be subject to rent reasonableness requirements.

⁹⁴ 24 CFR 982.308(g)

⁹⁵ 24 CFR 982.308(g)

⁹⁶ 24 CFR 982.308(g)

⁹⁷ 24 CFR 982.308(g)(4)

10.4 Term of Assisted Tenancy

The initial lease term must be for at least one year, except that the PHA may approve a shorter term if the PHA determines that doing so would improve housing opportunities for the tenant and is the prevailing local market practice.⁹⁸ If the PHA allows this exception, it needs to be stated in the PHA's policies.

During the initial lease term, the owner may not raise the rent to owner. The lease must⁹⁹ include any provisions for its renewal.

The HAP contract term runs concurrently with the lease term. If the lease terminates, the HAP contract terminates. Whenever the owner elects to execute a new lease, a new HAP contract is also required.

The term of the new lease or contract for a new unit may begin in the same month in which the participant moves out of his/her previous assisted unit. This is not considered a duplicative subsidy.

11 Chapter Glossary

The following terms are used in this chapter:

Administrative Fee is a fee paid by HUD to the PHA for administration of the program.

Administrative Plan is a plan that describes PHA policies for administration of the tenant-based programs.

Admission is the point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based rental assistance program.

Applicant (Applicant Family) is a family that has applied for admission to a program but is not yet a participant in the program.

Family is a person or group of persons, as determined by the PHA consistent with 24 C.F.R. 5.403, approved to reside in a unit with assistance under the program.

Family Rent-to-Owner in the voucher program, is the portion of rent to owner paid by the family.

Family Share is the portion of rent and utilities paid by the family.

Gross Rent is the sum of the rent to owner plus any utility allowance.

Housing Assistance Payment (HAP) is the monthly assistance payment by a PHA, which includes: (1) a payment to the owner for rent to the owner under the family's lease; and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

HAP Contract means housing assistance payments contract between the owner and the PHA.

Housing Quality Standards (HQS) refers to the minimum quality standards developed by HUD in accordance with 24 CFR 5.703 for the HCV program, including any variations approved by HUD for the PHA under 24 CFR 5.705(a)(3).

Initial Rent-to-Owner refers to the rent to owner at the beginning of the HAP contract term.

⁹⁸ 24 CFR 982.309(a)

⁹⁹ 24 CFR 982.308(d)(3)

Jurisdiction is the area in which the PHA has authority under State and local law to administer the program.

Lease is a written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family.

In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA. For purposes of 24 CFR 982.4, the cooperative is the Section 8 “owner” of the unit, and the cooperative member is the Section 8 “tenant.”

National Standards for the Physical Inspection of Real Estate (NSPIRE) are HUD’s approach to defining and assessing housing quality. See the [NSPIRE homepage and webpages](#) for more information.

Owner is any person or entity with the legal right to lease or sublease a unit to a participant.

Participant (Participant Family) is a family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment Standard is the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

Portability means renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.

Reasonable Rent is a rent to owner that is not more than rent charged:

- For comparable units in the private unassisted market; and
- For comparable unassisted units in the premises.

Rent-to-Owner is the total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Subsidy Standards are standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension (Tolling) is stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval of the tenancy until the time when the PHA approves or denies the request.

Tenant is the person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Voucher Holder is a family holding a voucher with an unexpired term (search time).

Voucher (Rental Voucher) is a document issued by a PHA to a family selected for admission to the voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Waiting List Admission is an admission from the PHA waiting list.