

Attachment III:

SV Waivers and Alternative Requirements

Item	Statutory or Regulatory Waiver	Brief Summary	Mandatory use	Alternative Requirements
Establishing Partnerships for SV Administration	N/A	PHAs are required to work with community partners to determine the best use and targeting for the SVs along with other resources available in the community.	Yes	A PHA must enter into a Memorandum of Understanding (MOU) with the CoC to establish partnership for the administration of the SVs, pair SVs with CoC-funded supportive services; and to collaborate with the CoC and other stakeholders to develop a prioritization plan for these vouchers.
Direct referrals from the CoC and other partnering organizations	24 CFR § 982.204(a)	<p>Waives requirement under the HCV program that participants must be selected from the PHA waiting list. Instead, PHAs must accept referrals for SVs directly from the CE System.</p> <p>If the CE system does not identify families that may be eligible for SV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA must enter into a partnership to receive direct referrals from another entity (e.g. Victim Services provider).</p>	Yes	<p>PHAs must inform families on the HCV waiting list of the availability of SVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities.</p> <p>If the PHA has a preference for survivors of domestic violence, dating violence, sexual assault, stalking, or human trafficking for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for this preference to the CoC, or the applicable partnering referral agency.</p> <p>If the PHA has a homeless preference for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for the homeless preference to the CoC.</p>
Separate waiting list	24 CFR § 982.204(f)	Waives requirement that a PHA must use a single waiting list for admission to its HCV program. Instead, PHAs shall maintain a separate list for SV referrals/applicants.	Yes	PHA shall maintain a separate waiting list for SV.

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Public notice when opening and closing the waiting list	24 CFR § 982.206	Waives the requirement for PHAs to give public notice when opening and closing the waiting list. The SV waiting list is based on direct referrals or emergency transfer requests to the PHA from a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking and not applications from the general public.	Yes	PHA will work directly with its CoC, and other referral agency partners to manage the number of referrals and the size of the SV waiting list
Local preferences	24 CFR § 982.207(a)	Waives the applicability of HCV local preferences established by the PHA to SVs. Instead, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for SVs, or may simply choose to not establish any local preferences for the SV waiting list.	Yes	Local preferences established by the PHA for the HCV admissions do not apply to SVs. In establishing any local preferences for the SV waiting list, the preference may not prohibit SV admissions from any of the four qualifying categories of eligibility.
Residency preferences	24 CFR § 982.207(b)	Waives the allowability for a PHA to adopt and implement a residency preference for SVs. Given the fact that many individuals and families in the targeted populations may not necessarily qualify as a “resident” due to their housing circumstances, and the direct referral/coordinated entry aspect of SV administration, it is not appropriate to apply residency preferences for SV admission.	Yes	PHA may not apply any residency preference.

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Admissions: Mandatory Prohibitions	24 CFR 24 982.552 and § 982.553	Waives 24 CFR §982.552 and § 982.553 in part and establishes an alternative requirement with respect to mandatory prohibitions of admissions for SV applicants.	Yes	<p>(1) The PHA must prohibit admission to the program if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.</p> <p>(2) The PHA must prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.</p>
Admissions: Permissive Prohibitions	24 CFR § 982.552 and § 982.553	Waives 24 CFR §982.552 and § 982.553 in part and establishes an alternative requirement with respect to permissive prohibitions of admissions for SV applicants.	No	<p>PHA must consult with its CoC partners to understand the impact that the use of permissive prohibitions may have on referrals and must take the CoC's recommendations into consideration. The PHA may prohibit admission of a family for the grounds stated below.</p> <p>(1) If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:</p> <ul style="list-style-type: none"> a. Violent criminal activity. b. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity. <p>(2) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.</p>

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				(3) If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.
Admissions: Unallowable Prohibitions	24 CFR § 982.552 and § 982.553	Waives 24 CFR §982.552 and § 982.553 in part and establishes an alternative requirement making certain admission prohibitions unallowable in SV that are allowable in HCV.	Yes	<p><u>Unlike the HCV admissions PHAs may not deny admission for any of the following:</u></p> <ol style="list-style-type: none"> 1. Any member of the family has been evicted from federally assisted housing in the last five years. 2. A PHA has ever terminated assistance under the program for any member of the family. 3. 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. 4. The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease. 5. The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. 6. The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with 24 CFR §982.553(a)(3). 7. The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the

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				admission, drug-related criminal activity.
Income verifications at admission	24 CFR § 982.201(e)	Waives the third-party income verification requirements for SV applicants and, alternatively allowing PHAs to consider self-certification as the highest form of income verification at admission	No	Allows PHA to accept self-certification as the highest form of income verification at admission. 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 the PHA's request.
SSN and citizenship verification	24 CFR § 5.216(b)(2), (g), (h), 5.218, 5.508(b)(2)(ii), (b)(3)(ii), (g)	Waives the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the SV program.	No	Documentation must be provided in 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation. PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.
Income targeting requirements	Section 16(b) of the United States Housing Act of 1937 and 24 CFR § 982.201(b)(2)	Waives Income targeting requirements. These do not apply to SV allowing PHAs to serve people at a variety of income levels including low-income families. PHAs may still choose to include the admission of extremely low-income SV families in its income targeting numbers for the fiscal year in which these families are admitted.	Yes	N/A
Income	24 CFR §	PHAs may accept income	No	For each new admission under this

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calculation and verifications from third-party providers	982.201(e)	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 or family composition in the interim.		waiver and alternative requirement, the PHA must: review the EIV Income and IVT Reports to confirm/validate family-reported income within 90 days of the IMS/PIC submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates. At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR § 982.516.
Pre-inspection of HQS units		PHAs may pre-inspect available units that SV families may be interested in leasing in order to maintain a pool of eligible units.	No	NA
Initial search term	24 CFR § 982.203(a)	Waives requirement that the initial search term must be at least 60 days and establishes an alternative requirement that the initial term for an SV must be at least 120 days.	Yes	Initial term for an SV must be 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.
Initial lease term	Section 8(o)(7)(A) of the United States Housing Act of 1937 and 24 CFR § 982.309(a)(2)(ii)	Waives the requirement that a family must enter into an initial lease with the owner for at least one year.	Yes	Families can enter into leases for a term shorter than one year.
Portability	Section	The normal HCV	Yes	In order to provide maximum

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	8(r)(1)(B)(i) of the United States Housing Act of 1937 and 24 CFR § 982.353(c)	portability procedures and requirements apply to SVs with some exceptions (see alternative requirements section to the right).		<p>housing choice for the targeted populations, HUD is removing this restriction for SV nonresident applicants to allow all SV families to immediately move under portability.</p> <p>The PHA may not restrict an SV family from exercising portability because they are a nonresident applicant. A receiving PHA cannot refuse to assist an incoming SV family, regardless of whether the PHA does or does not currently administer SVs under its own ACC.</p> <p>In addition to the applicable family briefing requirements at 24 CFR § 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special SV services and assistance that may be available to the family.</p> <p>If the portability move is in connection with the SV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the SV services and assistance that will be made available to the family. The primary purpose of this communication is to ensure there is no duplication of SV services and assistance provided to the family and that the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.</p>
Establishing separate	24 CFR § 982.503(a)(Waiving 24 CFR § 982.503(a)(3) and	No	Establishing a separate SV payment standard is at the discretion of the

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higher payment standards for SVs	3), § 982.503(b)(1)(i), § 982.503(b)(1)(iii)	<p>establishing an alternative requirement permitting PHAs to establish separate higher payment standards for the SVs. Many rental markets with a high need for the SVs are very competitive with a shortage of affordable rental units. SV recipients who are homeless or at risk of homelessness may have relatively lower incomes than regular HCV recipients, limiting their ability to rent units with rents above the payment standard. In addition, landlords may be more reluctant to rent to homeless individuals who may have limited or poor credit history, a limited established rental history, or other issues.</p>		<p>PHA and the PHA is not required to do so. PHAs are not permitted to establish a separate payment standard for the SVs that is lower than the regular HCV payment standard. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the SV payment standard if it would be otherwise lower than the new regular HCV payment standard.</p> <p>PHAs can establish a payment standard amount for a unit size at any level between 90%-120% of the published FMR for that unit size. HUD approval is not required to establish an SV payment standard within that range.</p> <p>A PHA that is not in a designated Small Area FMR area or has not opted to voluntarily implement Small Area FMRs under 24 CFR 888.113(c)(3) may establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published Small Area FMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. As is the case for the regular HCV program, the PHA must notify HUD if it establishes an SV exception payment standard based on the Small Area FMR. The exception payment standard must apply to the entire ZIP code area.</p> <p>PHAs may also still request approval for exception SV payment standards above 120% of the applicable FMR/SAFMR from HUD</p>

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				<p>in accordance with 24 CFR § 982.503(b)(1)(iv) or §982.503(c) if needed.</p> <p>All rent reasonableness requirements at 24 CFR § 982.507 continue to apply to SV units, regardless of whether the PHA has established an alternative or exception SV payment standard.</p>
Application of Increased Payment Standard	24 CFR § 982.505(c)(4)	Waiving requirement that if the payment standard amount is increased during the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.	No	PHAs have the discretion to establish a policy in the PHA administrative plan on when to apply the increased payment standard (e.g., interim reexamination, owner rent increase) after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.