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CHAPTER 6: SPECIAL SITUATIONS

6-1. AGREEMENT WITH SOCIAL SERVICE AGENCY

a. POLICY

- (1) A PHA may (but is not required to) enter into an agreement with a social service agency to provide support services to applicants who need special help in order to establish a tenancy. A PHA may also enter into an agreement with a social service agency to manage a project or certain designated units within a project on the PHA's behalf.
- (2) If an applicant's tenancy is to be dependent on participating in a social service agency's program, the circumstances must be explained to the applicant and the arrangement must be incorporated into the lease.
- (3) Applicants who can become public housing tenants without help from a social service agency cannot be required to participate in the social service agency's program.
- (4) Public housing is housing first. The service component, if necessary, must play an auxiliary role.
- (5) The persons admitted must become tenants of the PHA with all the rights and responsibilities that entails.
- (6) In cases where a social service agency is assisting a PHA in evaluating applicants and selecting tenants, the PHA may not permit the social service agency to give its clients a higher priority for admission than similar persons who are not its clients.
- (7) A PHA which has entered into an agreement with a social service agency remains ultimately responsible to HUD for all aspects of management.

b. DISCUSSION

- (1) Agreements with social service agencies can be helpful in broadening the public housing population to include eligible persons who could not otherwise be assisted. For example, such agreements might enable a PHA to house more persons who:

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- (a) are handicapped, especially those who are mentally, developmentally, or emotionally handicapped; or
 - (b) have special problems such as persons who have been homeless or victims of domestic violence.
- (2) Some of the functions which the social service agency could perform are:
 - (a) assisting the PHA in evaluating applicants and selecting tenants;
 - (b) collecting rents, security deposits, and any other charges;
 - (c) checking to see if the tenants are properly maintaining their units;
 - (d) helping the tenants to run their households, including managing their money;
 - (e) providing special programs such as counseling and job training; and
 - (f) providing crisis intervention--removing a tenant quickly but temporarily in order to get treatment, without affecting the lease.
- (3) If the social service agency can serve members of a specific target population such as the mentally handicapped, wherever they might live in a project or projects, there would be no need to designate certain units for that target population and no need for the PHA to establish a separate waiting list for the m.
- (4) If the PHA finds it necessary or desirable to designate certain units for occupancy by members of a specific target population, the PHA may establish a separate community-wide waiting list for just those units, but applicants on such lists may also be on the PHA's general community-wide list if they are qualified.
- (5) A PHA which is considering setting aside units to accommodate persons with a particular handicap or need should keep in mind the demands of all lower income families in the community and the constraints on the available housing stock.
- (6) A PHA which is considering entering into an

agreement with a social service agency should make sure that the organization

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is reliable and fiscally sound. The agency's failure to live up to its agreement with the PHA could result in serious problems for both the PHA and the tenants.

- (7) Before entering into an agreement with a social service agency, the PHA may want to discuss the matter with the local HUD office to make sure it would be in keeping with the statute and regulations.

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6-2. SHARED HOUSING

a. POLICY

- (1) PHAs may, but are not required to, house more than one family in a public housing unit ("shared housing") if it is agreeable to the families involved and is permitted by local zoning and occupancy laws.
- (2) Each family:
 - (a) would have to be eligible for the program and have a position on the waiting list;
 - (b) would have income and rent computed according to HUD regulations;
 - (c) would have its own lease; and
 - (d) could leave or be evicted without affecting the other family's lease.
- (3) PHAs which are interested in allowing shared housing may limit it to particular projects, particular units, or a particular number of units. PHAs which decide to permit shared housing may later discontinue doing so, although with due consideration for the rights of those tenants already in a shared housing arrangement.

b. DISCUSSION

- (1) Shared housing may be useful in helping a PHA to:
 - (a) avoid vacancies;
 - (b) make better use of its inventory;
 - (c) increase housing options; or
 - (d) respond to unmet housing needs.
- (2) Shared housing may be especially useful in meeting the needs of elderly or handicapped persons who are unable or unwilling to live alone. Shared housing may also be beneficial to single-parent households and others who want the social support a shared housing arrangement may offer them.

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- (3) The PHA should decide whether shared housing would be useful to its situation and whether the benefits would be worth the effort.
- (4) While PHAs may not require applicants or tenants to participate in a shared housing arrangement, they may give a preference to applicants willing to share in filling an opening left by the departure of one family from a shared housing arrangement. Since the willingness of an applicant to share a dwelling could significantly affect the applicant's position on the waiting list, the PHA would have to be careful to avoid possible abuse.
- (5) PHAs would not be responsible for matching applicants willing to share or in finding a replacement family when one family left. PHAs could assist, however, if they wanted to and the families involved wanted their help.
- (6) In dealing with shared housing arrangements, PHAs may want to adjust their standards for the number of bedrooms needed to give the families some private space. PHAs which are considering housing two small families in a large unit should balance the potential benefit with the needs of large families for such units.
- (7) In calculating each family's tenant rent (contract rent), the PHA could prorate the utility allowance according to the number of bedrooms each family is expected to occupy, or use other reasonable criteria. It would be the responsibility of the

families involved to determine how they would actually pay their utility bills.

- (8) Each family could be required to provide a separate security deposit or the PHA could establish one security deposit for the unit. The PHA might have to develop special procedures for determining responsibility for any damages.
- (9) If one family left, the remaining family would likely be overhoused. It could be transferred to a smaller unit or, if the PHA permitted, find a replacement for the family that left. If the utility allowance had been prorated, the remaining family would be entitled to a rent adjustment reflecting its responsibility to pay all the utility bills until a replacement family could be found or a transfer arranged.

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6-3. RESIDENT EMPLOYEES

- a. POLICY - Employees who are required to live-in public housing as a condition of their job
 - (1) Persons who are hired as PHA employees and must live in a public housing unit as a condition of their job are not considered public housing tenants. They are not subject to the same requirements and do not have the same rights as public housing tenants. In particular, they:
 - (a) do not have to qualify as a lower income family;
 - (b) are not subject to the PHA's tenant selection procedures;
 - (c) do not have their rent calculated according to HUD regulations;
 - (d) are not subject to HUD lease and grievance provisions; and
 - (e) would not be able to remain in public housing if their employment were terminated.
 - (2) PHAs may charge employees who are required to live in public housing as a condition of their job some reasonable rent, although that rent can be a flat amount not related to the person's income. PHAs may also provide the apartment to the employee rent-free.

- (3) Dwelling units which are used to house PHA employees are excluded from total unit months available for occupancy (UMAs) for purposes of calculating operating subsidy under the Performance Funding System (PFS). The full amount of any rent the employees pay must be included in the projections of other income for PFS calculations; no allowance is provided for offsetting expenses. (See the Financial Management Handbook, 7475.1)
- (4) PHAs must get HUD approval to house PHA employees in any public housing dwelling unit which has been previously designated for use by public housing tenants.

b. POLICY - Tenants employed by the PHA

- (1) Public housing applicants who work or expect to work for the PHA are subject to the same admission requirements as other applicants.

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- (a) The work they are to do for the PHA may not be a condition of their admission.
- (b) They may not be given a selection preference based on their willingness to work for the PHA.
- (2) Public housing tenants who happen to work for the PHA are subject to all of the occupancy requirements and have all the same rights and responsibilities as other public housing tenants.
 - (a) The work they do for the PHA may not be a condition of their tenancy.
 - (b) Any amounts they receive for their employment must be counted as income in computing their rent.
 - (c) The PHA may not lower the amount they are required to pay as rent as compensation for their employment.
- (3) The PHA does not need HUD authorization in order to employ public housing tenants.

c. DISCUSSION - Employees who are required to live in public housing as a condition of their job.

- (1) It is advisable for PHAs to have a lease with employees who are required to live in public housing. A standard private-market lease would usually be acceptable, although the PHA should add a provision making the person's continued occupancy contingent on their employment.
- (2) An employee who resides in public housing may apply to become a public housing tenant, but would have to qualify and be selected like any other applicant.
- (3) All the provisions and procedures related to employees who are required to live in public housing would apply whenever the PHA wanted to house persons from public or private agencies who would provide tenant-oriented services. However, the PHA might want to consider whatever amount those agencies would provide for lodging in establishing the person's rent. Tenant-oriented services may help meet tenants' needs related to health, education, welfare, recreation, or employment.

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d. PHA PROCEDURES

- (1) PHAs which want to house PHA employees in any public housing dwelling unit which has been previously designated for use by public housing tenants must follow the procedures covering the conversion of dwelling units. The procedures are in Chapter 7 of HUD handbook 7468.1, The Public Housing Demolition, Disposition and Conversion Handbook.
- (2) Employees who are required to live in public housing as a condition of their job are reported on Form HUD-51234. The PHA does not fill out a Form HUD-50058 for them.

e. REFERENCES

Annual Contributions Contract

U.S. Housing Act of 1937, Section 3(a)

24 CFR 913.106, 913.107

24 CFR 990

6-4. DISASTER VICTIMS

a. POLICY - General

- (1) PHAs must make a distinction between disaster victims who would qualify for public housing and those who would not. The former can be admitted as public housing tenants. The latter are sometimes given shelter for the duration of the emergency but do not become public housing tenants.
- (2) Neither the PHA nor HUD can waive the statutory requirement that only lower income families can be admitted as public housing tenants.

b. POLICY - Disaster victims who would qualify for public housing

- (1) If the PHA does not already have a selection preference that would include disaster victims, the PHA could adopt such a preference.
- (2) The PHA would add the names of the disaster victims who are interested in admission to public housing and who would qualify for the program to the waiting list.
- (3) The PHA could admit disaster victims ahead of other applicants on the waiting list only if the PHA's preference for disaster victims, and any other preferences the disaster victims might have, were high enough to give them priority for admission over other applicants.
- (4) The PHA must always give applicants on the waiting list, whether disaster victims or not, a priority for vacant, habitable units over disaster victims who are not qualified for public housing.

c. POLICY - Disaster victims who would NOT qualify for public housing

- (1) In responding to a disaster, PHAs have sometimes used available space such as community areas, warehouse and storage space, and vacant units to meet the immediate shelter needs of those affected by the disaster, regardless of their eligibility for public housing. This does not constitute an admission.
- (2) PHAs may use public housing units as temporary shelters only for the duration of the emergency.

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d. DISCUSSION - General

- (1) If it is a Federally-declared disaster, the PHA should coordinate its efforts with the Federal Emergency Management Agency (FEMA) team sent to help with relief.
- (2) If it is not a Federally-declared disaster, the PHA should coordinate its efforts with the state and local emergency organizations or with private relief organizations such as the Red Cross.

e. DISCUSSION - Disaster victims who would qualify for public housing

- (1) In deciding how high a selection preference to give disaster victims, the PHA should balance the needs of the disaster victims with the needs of its other applicants, some of whom may have been on the waiting list for quite some time.
- (2) A PHA which has a selection preference for applicants who are displaced or have an emergency need should determine whether disaster victims would already be covered under those categories. Unless the PHA's admission policies provided for it, the PHA could not give the disaster victims a higher priority based on being displaced or having an emergency need than they would other applicants who were displaced or had an emergency need.
- (3) PHAs should remember that single persons who are displaced by a Federally-declared disaster are considered a "family" for eligibility purposes.
- (4) The disaster victims could apply directly to the PHA or be referred to the PHA through a Federal, state, local, or private emergency organization.
- (5) In responding to a disaster, the PHA might need to process applications, determine eligibility, and admit applicants - all at an especially rapid pace. A complete verification of income and determination of suitability for tenancy could probably not occur until after the family moved in.
- (6) The family would be charged a rent based on HUD regulations.
- (7) Once the verification and evaluation were satisfactorily completed, the PHA would sign a

lease directly with the family, making them public housing tenants.

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f. HUD RESPONSIBILITY

Each HUD regional office has an emergency coordinator who is responsible for advising the other HUD offices and PHAs about the procedures to follow in dealing with a particular disaster.

g. REFERENCES

U.S. Housing Act of 1937, Section 3(a)

Handbook 3200.2 REV-2, Disaster Response and Assistance

Annual Contributions Contract

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