



U.S. Department of Housing and Urban
Development

Office of Public and Indian Housing

Special Attention:
Directors, Offices of Public Housing;
Administrators, Offices of Native American
Programs; Section 8 Public Housing
Agencies and Indian Housing Authorities

Notice PIH 96-83 (HA)

Issued: October 11, 1996
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Cross References:

Subject: Rental Vouchers for the Relocation of Witnesses Cooperating With Law Enforcement Agencies in Efforts to Combat Crime in Public, Indian, and Assisted Housing

1. Purpose. This notice describes the procedures for assisting families under a special allocation of approximately 200 rental vouchers provided for the relocation of families that have cooperated as witnesses in efforts to combat crime in public, Indian, and other assisted housing.
2. Background. The Balanced Budget Downpayment Act II of 1996 (P.L. 104-134, 110 Stat. 1321) provides that Section 8 rental assistance may be used for the relocation of witnesses in connection with efforts to combat crime in public, Indian, and assisted housing pursuant to a request from a law enforcement or prosecution agency. The Department of Housing and Urban Development has approximately 200 rental vouchers available for this purpose. In order to ensure that the families are assisted as quickly as possible, the Department will enter into a single annual contributions contract (ACC) with the Richmond Redevelopment and Housing Authority (RRHA) for these rental vouchers. The witness relocation vouchers will be administered in a manner similar to the existing portability billing procedures with RRHA serving as the initial public housing agency. RRHA and the receiving public housing agency or Indian housing authority (hereafter referred to as HA) will follow existing portability procedures, except as modified by this notice.
3. Law Enforcement or Prosecution Agency Referral. In order for a family to be eligible for a witness relocation voucher, a law enforcement or prosecutive agency must request that the family to be relocated receive assistance pursuant to this notice. However, witness relocation requests by a law enforcement agency must have the written concurrence of the appropriate prosecutive entity. This means that federally initiated requests

require written concurrence from an Assistant United States Attorney, while State, Tribal, and locally initiated requests require written concurrence from their duly authorized State, Tribal, and local prosecutive entities. In exigent circumstances, telephonic concurrence of a prosecuting attorney is acceptable; written concurrence can be provided at a later time.

The referral must be made to the Office of Inspector General Special Agent In Charge (SAC) in the local District Office. A list is attached to this notice providing the names, mailing addresses, telephone and fax numbers for each SAC. The SAC may also serve as the primary initiator of witness relocation referral.

The law enforcement/prosecutive entity requesting the witness relocation assistance must provide the SAC with data on the composition of the family, including the name of the head of household; the name, age, and sex of each family member and their relationship to the head of household; social security numbers for each household member; current family income; whether the family is currently receiving housing assistance; and the area where the family will be relocated. If the family is currently a resident of public or Indian housing, the law enforcement/prosecutive entity must also justify why the family's relocation cannot be accomplished by transferring the family within the public or Indian housing program. If the SAC is the initiator of the relocation request, the SAC is responsible for meeting these same documentation requirements.

The written concurrence of the prosecutive entity must document the need for the relocation; the nature and extent of the individual's cooperation as a witness; the focus of the investigation; the potential importance of the witness to the success of the investigation; and the nature and seriousness of the threat to the witness.

The relocation of the family must be in connection with efforts to combat crime in public, Indian, or assisted housing. However, the family is not required to be a current resident of public, Indian, or assisted housing in order to be considered for a rental voucher under this special allocation.

The District Office SAC is responsible for acknowledging in writing the receipt of all requests from law enforcement or prosecutive agencies for witness relocation assistance and communicating with the law enforcement and prosecutive agencies on the status of the request and any additional documentation needs. The District Office SAC will also keep the family or the requesting agency advised of the progress of the relocation effort.

4. HUD Contacts the Receiving HA. Upon the District Office SAC's determination that the family is a strong candidate for assistance under these provisions, the SAC will contact the Operation Safe Home (OSH) Coordinator in HUD/OIG Headquarters. The OSH Coordinator, in consultation with the Office of Rental Assistance and the RRHA, will track the availability of funds for this initiative. The OSH Coordinator will inform the District Office SAC whether or not to proceed based on the availability of funds.

The District Office SAC must advise the family and the referring law enforcement/prosecutive agency of the OSH Coordinator's initial determination. If the District Office SAC is authorized to proceed, the SAC must inform the family and the referring law enforcement/prosecutive agency that issuance of a rental voucher under these provisions is contingent on the family meeting the eligibility requirements of the rental voucher program, as determined by the receiving HA.

The District Office SAC is responsible for finding an HA that is willing to take the witness relocatee. The District Office SAC may consult with the OSH Coordinator and the Office of Rental Assistance in identifying this agency.

If the receiving HA has funding available at the time the District Office SAC contacts the HA, the Department encourages the receiving HA to absorb the family into its own program. In these cases the RRHA will not be involved, since assistance is not provided through the special witness relocation allocation. The District Area SAC should always explore this possibility with the receiving HA, as the use of regular program funds wherever possible increases the number of witnesses that may be relocated with rental assistance and will further bolster Operation Safe Home efforts. The Department would prefer to use the witness relocation vouchers only in cases where the receiving HA does not have funding available to assist the family.

The District Office SAC works directly with the receiving HA and the family or requesting agency in order to expedite the process. It is of critical importance that the SAC and the receiving HA coordinate in a manner that only HA staff that have a "need to know" are involved, so as to ensure that every precaution is taken to protect the identity of the witness. Access to all information relating to the relocation of witnesses must be strictly limited, as many of these persons are under constant threat of physical/mental harm and abuse.

5. Receiving HA Determines Family Eligibility in Relocation Area. In order for a family to receive a witness relocation rental voucher, the family must either qualify as (1) a very low-income family in the area where the family will initially lease a unit with assistance; or (2) a low-income family in the area where the family will initially lease a unit if the family qualifies as continuously assisted under a 1937 Housing Act program. A family is considered "continuously assisted under the 1937 Housing Act" if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the rental voucher program (e.g., the witness relocation family is a current resident of public housing).

Under the special procedures for witness relocation vouchers, the receiving HA must determine if the family is income eligible for Section 8 rental assistance. A very low income family is a family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. A low-income family is a family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. (Note: unlike applicant families moving under the normal portability procedures, the family does not need to be income-eligible in the initial HA (RRHA) jurisdiction.)

The receiving HA determines whether the family applying for the witness relocation rental voucher meets the definition of a family.

If the family is eligible, the receiving HA will issue the family a rental voucher, the unit size of which is determined by the receiving HA's subsidy standards. Unless the receiving HA chooses to absorb the family under the portability procedures, the rental voucher does not represent funding under the receiving HA's ACC and is not counted as part of the receiving HA program.

The receiving HA may deny an otherwise eligible family admission to the rental voucher program for any of the grounds stated in §982.552(b), regardless of the fact that the family was referred to the HA under the witness relocation program. The receiving HA must notify the District Office SAC if it has denied the family admission to the rental voucher program under the grounds stated in §982.552(b). The family must be afforded the opportunity for an informal hearing in accordance with §982.555.

Once income verification is completed and the family's eligibility or ineligibility has been determined, the receiving HA notifies the District Office SAC. The SAC is responsible for notifying the family and the law enforcement/prosecutive agency and coordinating the

issuance of the voucher. The SAC must immediately inform the OSH Coordinator regarding whether or not the family has been issued a rental voucher. The OSH Coordinator assigns the family a coded number and informs the SAC of the number. The OSH Coordinator also notifies the Headquarters Office of Rental Assistance.

The OSH Coordinator will advise a single point of contact at the Richmond Redevelopment and Housing Authority (RRHA) of the family's number and the name and location of the receiving HA.

6. Receiving HA Sends Richmond Redevelopment and Housing Authority HUD Form 52665. The receiving HA informs the District Office SAC if the family successfully leases a unit or if the family fails to lease a unit. The SAC must immediately inform the OSH Coordinator, who in turn informs the Headquarters Office of Rental Assistance.

Once the receiving HA executes a housing assistance payments (HAP) contract on behalf of the family, the receiving HA completes and sends Part II of the Form HUD-52665 to RRHA. If the family fails to submit a request for lease approval for an eligible unit within the allotted time period, the receiving HA checks the appropriate box on the Form-52665 and sends it to RRHA. (Part II of the HUD-52665 must be completed and mailed by the receiving HA within 10 working days from the date a HAP contract is executed on behalf of the family or from the effective date of the change in the family status.)

The receiving HA always writes "Witness Relocation" and the family's code number in the space for Head of Household Name instead of the family's name and leaves the social security number space (#2 on the form) blank on the Form HUD-52665. Unlike the normal portability procedures, the receiving HA does not attach a copy of the HUD-50058 to the Form HUD-52665. (The receiving HA is still responsible for sending the Form HUD-50058 to the Department for MTCS, and the receiving HA must include all data on the form, including the family name, address, and social security number. The family is designated as a new admission on the initial Form HUD-50058 completed by the receiving HA.)

The receiving HA will receive the same amount of reimbursement as it would under the regular portability billing procedures. RRHA will make the initial payment to the receiving HA within 30 days following receipt of the billing form. RRHA will make subsequent payments each month the billing arrangement is in effect, unless both HAs agree to a different schedule for billing payments, in accordance with the normal portability procedures.

As under the normal portability procedures, the receiving HA may absorb a family assisted with a witness relocation voucher into its own program at any time. The receiving HA checks the appropriate box on the Form HUD-52665 to inform the RRHA. Once the receiving HA is able to assist the family with funding under its own ACC and absorbs the family into its own program, the witness relocation voucher can be used to assist another family under the witness relocation procedures. The Department encourages the receiving HA to absorb the witness relocation family into its own program whenever possible.

7. Further Information. If the receiving HA needs to contact RRHA in regard to witness relocation portability billings, for security purposes the receiving HA point-of-contact must only refer to the family by the family's number, never by the family's name. The mailing address for RRHA is:

Ms. Nell Latney Morris
Assistant Director for Assisted Housing
Richmond Redevelopment and Housing Authority
Post Office Box 26887
Richmond, VA 23261-6887

Any questions regarding this notice should be addressed to the Operations Division, Office of Rental Assistance, at (202) 708-0477.

_____/s/_____
Kevin Emanuel Marchman, Acting Assistant
Secretary for Public and Indian Housing

Attachment (Not included.)