

Tribal HUD VASH Demonstration Program
Frequently Asked Questions (3rd in series)

February 2017

1. Once a Veteran is eligible and receiving rental assistance and case management services from the Tribal HUD-VASH program, and the Veteran's household income exceeds the eligibility limits, is the Veteran no longer able to receive case management services through Department of Veteran Affairs?
 - *The rental assistance will decrease as the Veteran's household income increases. If the Veteran's expected rent contribution exceeds the established or fair market rent for the unit, then the Tribal HUD-VASH subsidy is no longer needed and may be used for another Veteran. The over-income Veteran is not required to move. The Veteran may still receive case management services from the Department of Veteran Affairs, if indicated.*
2. Once a Veteran is eligible and receiving rental assistance and case management services from the Tribal HUD-VASH program, and the Veteran graduates from case management, is the Veteran no longer able to receive rental assistance through the Department of Housing and Urban Development?
 - *Once a Veteran has graduated from case management services, the Veteran may still receive rental assistance under the Tribal HUD-VASH program. However, HUD encourages the tribe/TDHE to use IHBG or other funds to support the Veteran, so the rental assistance may go to another homeless Veteran in need of case management.*
3. Can a Veteran be considered homeless and eligible for the Tribal HUD-VASH program if he lives with a family member/friend that is receiving other housing assistance?
 - *Yes, this Veteran most likely meets the definition of At-Risk Homelessness, which is defined in the **Federal Register** implementation notice and determined by the VA case manager.*
4. If a Veteran participating in Tribal HUD-VASH passes away, does the family of the Veteran get to stay in the unit?
 - *No, the Veteran's family can no longer receive rental assistance under the Tribal HUD-VASH program. However, the tribe/TDHE may consider using its IHBG funds (or other housing funds) to assist the family, if they are eligible for the IHBG program.*
5. Is a Native American veteran eligible to receive Supportive Services for Veterans & Families (SSVF) services?
 - *Yes, if they meet the SSVF eligibility criteria for the specific assistance being requested. As background, SSVF is a grant-based program where non-profit organizations and consumer cooperatives are awarded a SSVF grant. The focus of the grant program is to assist very low-income Veteran families with prevention and rapid-rehousing services.*

These services include outreach, housing case management, connection to VA resources, and connection to mainstream resources. Temporary Financial Assistance (TFA) for things like security deposits might also be available; these determinations are made on a case by case basis depending on need. The goal of all services is to promote housing stability. Veterans in HUD-VASH receive case management from the HUD-VASH case manager, not the SSVF case manager. More information about SSVF can be found at: <https://www.va.gov/homeless/ssvf/>

6. Can SSVF be used to assist Tribal HUD-VASH Veterans with moving and other costs associated with moving into a new unit?
 - *Yes, if the Veteran is determined eligible for SSVF.*

7. If an eligible Veteran cannot afford the required security deposit for an apartment, can Indian Housing Block Grant (IHBG) funds be used?
 - *No, IHBG funds may not be used. However, a grantee's program income or alternative funding may be used to supplement the Veteran's security deposit. Another option, would be to use Tribal HUD-VASH funds for the security deposit, but this will reduce the assistance available for rent. In some cases, the Veteran may qualify for the VA program, SSVF which provides financial assistance for security deposits for eligible HUD-VASH Veterans.*

8. Can utilities be included in the Fair Market Rent?
 - *Fair Market Rent, as calculated by HUD, includes the cost of rent and utilities. Utilities are an eligible use of Tribal HUD-VASH grant funds. However, when charging rent, the inclusion of utilities is at the discretion of the landlord. If a landlord does provide the option of utility inclusion, the Landlord should explicitly define it in the lease agreement.*

9. If the utilities are not included in the Veteran's rent, how can the Tribal HUD-VASH program help assist the Veteran's utility payments?
 - *A tribe/TDHE may set a Veteran's rent contribution at an amount that is less than 30% of the Veteran's adjusted monthly income. The reduction in rent contribution is then used by the Veteran to pay for/contribute to utility payments. For example, 30% of a Veteran's adjusted monthly income is \$75. Utility costs are estimated to be \$50 monthly. The tribe/TDHE can reduce the Veteran's monthly rent contribution to \$25, so the Veteran can use the \$50 to pay for utilities.*

10. Can a tribe/TDHE charge Tribal HUD-VASH tenants fair market rents in tribe/TDHE owned units even if these rents exceed the standard ceiling rents currently utilized by the tribe/TDHE?
 - *Yes. The Tribal HUD-VASH funds can be used to subsidize rents in eligible units up to the fair market rent ceiling for the locality. However, the Tribe/TDHE should have a specific rental policy in place that clearly delineates this practice and rationale in relation the Tribal HUD-VASH program and related ceiling rents for such units. However, a Tribe/TDHE should consider and balance the benefits of collecting additional rents versus serving additional veterans. In addition, the general practice of having standard ceiling rents set well below fair market amounts should be periodically reviewed as to assure that this practice is financially feasible.*

11. Can a Veteran from one tribe rent a unit that is owned by another tribe?
- *Yes, the tribe that is not the Tribal HUD-VASH grantee would be considered a private landlord. There should be a Rental Assistance Payment Contract in place between the Tribal HUD-VASH grantee providing rental assistance to the Veteran and the tribe that will be the landlord to that Veteran. The Veteran would have a lease agreement with the landlord tribe.*
12. Is the tribe/TDHE required to review the lease agreement between the Veteran and the private landlord?
- *Yes, the tribe/TDHE must review the lease to ensure it complies with Section 207 of NAHASDA.*
13. Are HQS inspections required units for a private landlord?
- *Yes, grantees must make sure that private unit meets housing quality standards. The cost of this inspection can be covered by the Tribal HUD-VASH administrative fee.*
14. Do we count veteran's disability income as income?
- *No, Veteran compensation for service-connected disability or death under title 38 U.S.C. chapter 11 and dependency and indemnity compensation for service-connected deaths under title 38 U.S.C. chapter 13 are excluded from income. This exclusion applies only to Tribal HUD-VASH and NAHASDA-funded programs (Notice PIH 2011-15). However, the low income housing tax credit program does not make this exclusion. Therefore, if a Veteran is seeking to be housed in a tax credit unit, their income would need to be recalculated to see if the Veteran meets income threshold for the tax credit program.*
15. Can a Veteran be income eligible for the HUD-VASH program, but over income for a low income housing tax credit unit?
- *Yes, the tax credit program has more restrictive income requirement. Therefore, a Veteran who is eligible for HUD-VASH may be over income for a tax credit unit. In this case, the Veteran would need to find another rental unit.*
16. How is rent structured when Veterans agree to live together in a shared housing arrangement?
- *If separate Veteran households agree to live in a shared housing arrangement, then the rent charged for the unit is equal to the number of bedrooms the unit has. The rent is then equally divided between the Veteran households and each Veteran has their own lease with the landlord. For example, two separate Veterans living in a two-bedroom unit would each be charged one half of the two-bedroom FMR.*
17. When using project-based Tribal HUD-VASH assistance on an assisted unit, can a previously conducted environmental be used for the Tribal HUD-VASH program?
- *Yes, but if only certain conditions are met. For reviews under 24 CFR Part 58, if an environmental review has been conducted recently (generally within the last five years), the Responsible Entity (RE) preparing the review can determine that 24 CFR Part 58.35(b)(7) applies, which allows for supplemental assistance to be exempt from environmental review. To apply the exemption, the RE needs to determine:*

1. *If the project was previously approved under Part 58*
 2. *If the pending approval will be made by the same RE that approved the previous review*
 3. *If re-evaluation under 58.47 is not required.*
- *To determine if a re-evaluation is required, the RE would follow 24 CFR 58.47. This entails ensuring that the previously conducted review was for the same property, and the same [scope](#) (the same activities, phases, no substantial changes to scale, etc.). The RE must also ensure that no underlying environmental condition has changed which would require them to go through reevaluation. For example, there may be a newly listed species for Endangered Species Act purposes, a new nearby contamination spill, or an updated FEMA floodplain map. If no underlying environmental condition has changed, a re-evaluation is not required and the RE can apply the exemption at 58.35(b)(7), which would allow the previously conducted environmental review to be applied and would allow the RE to not publish a new FONSI notice or a new NOI-RROF.*
 - *If the exemption at 24 CFR Part 58.35(b)(7) does not apply because the project was not previously approved under Part 58 or the pending approval will not be made by the same RE that approved the previous review (or because the review will be prepared under Part 50), the RE (or HUD if the environmental review is under 24 CFR Part 50) should still utilize the analysis process from 58.35(b)(7) to determine if the previous review can be used. If an environmental review has been conducted within the last five years, the Responsible Entity (or HUD) needs to ensure the review was for the same property, and the same scope. In addition, the Responsible Entity (or HUD) needs to check the underlying environmental conditions to see if anything has changed. If any underlying environmental condition has changed, under Part 58 the RE would need to affirm the original findings and update the review, or prepare a new review for publication if it finds the original findings are no longer valid, as applicable under 24 CFR 58.47. Then, a FONSI and RROF would be required for the subsequent funding request (unless a different exemption or categorical exclusion applies). Under Part 50, the ERR would need to be updated (see 24 CFR 50.36).*

18. What type of environmental review is required for tenant-based HUD-VASH assistance?

- *Tenant-based rental assistance is categorically excluded from environmental review (see 24 CFR §50.19(b)(11) and 24 CFR §58.35(b)(1)). Tenant based-rental assistance is not subject to the individual compliance requirements of the Federal laws and authorities (cited in 24 CFR §50.4 and 24 CFR §58.5) and is also categorically excluded from the Environmental Assessment required by NEPA. However, if the environmental review is being conducted by a Responsible Entity under Part 58, the requirements of 24 CFR §58.6 must still be met (see 24 CFR §58.35(b)), and HUD recommends utilizing the [exempt review HUD format](#) in conjunction with the applicable [HUD recommended worksheets](#) to document that those requirements have been met. In all cases, the Veteran's file must document the applicable categorical exclusion.*

19. Under what conditions can a low rent 1937 Housing Act or formula current assisted stock (FCAS) unit be used in the Tribal HUD-VASH program.

- *If a tribe/TDHE wishes to use any of its low rent FCAS units for the Tribal HUD-VASH program, they must contact the Formula Service Center and remove the FCAS units from the IHBG funding formula for the period of time the unit will be receiving Tribal HUD-VASH assistance.*

20. Can Tribal HUD-VASH rental assistance be used for a unit funded by the USDA Rural Rental Housing Loan Program (Section 515) or the Rural Rental Housing Guaranteed Loan Program (Section 538)?

- *Yes, Tribal HUD-VASH rental assistance can be used to pay rent in a unit financed with a Section 515 direct loan or a Section 538 guaranteed loan. However, at this time, Section 515 and Section 538 financed properties cannot reserve units to be used exclusively for Veterans.*