



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

**Special Attention of:**  
Directors of HUD Regional and Field  
Offices of Public Housing;  
Agencies that Administer the  
Housing Choice Voucher Program

**Notice PIH 2022-24 (HA)**

Issued: August 16, 2022

Expires: This notice remains in effect until  
amended, superseded, or rescinded.

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**Subject: Stability Voucher Program**

**1. Purpose.** This notice explains HUD’s non-competitive allocation strategy and program requirements for the new Stability Voucher program. HUD is awarding up to \$43,439,000 to support approximately 4,000 new incremental vouchers. This funding opportunity is designed to encourage a community-wide commitment to the goal of ending homelessness. Stability Vouchers (SVs) may assist households who are homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), at-risk of homelessness, those fleeing or attempting to flee domestic violence dating violence, sexual assault, stalking, or human trafficking, and veterans and families that include a veteran family member that meet one of the proceeding criteria. HUD is clarifying that persons who are fleeing or attempting to flee human trafficking are an eligible category for SVs. (See definition of “homeless” in Section 9.)

HUD recently announced the [Continuum of Care \(CoC\) Program Supplemental Notice of Funding Opportunity \(NOFO\) to Address Unsheltered and Rural Homelessness](#) (FR-6500-N-25S), which promotes a community-wide commitment to the goal of ending homelessness by targeting efforts to reduce unsheltered homelessness, particularly in communities with very high levels of unsheltered homelessness and homelessness in rural areas.

HUD expects applicant communities to partner with health and housing agencies to leverage mainstream housing and healthcare. These two funding opportunities present a first-of-its-kind package of resources to help communities implement coordinated approach to ending homelessness, including unsheltered homelessness and homelessness in rural areas.

**2. Background.** The Consolidated Appropriations Act, 2021 (Public Law 116-260) (2021 Act), makes available \$43,439,000 for new incremental voucher assistance under Section 8(o) of the United States Housing Act of 1937 for use by individuals and families experiencing or at-risk of homelessness; those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and veterans and families that include a veteran family member that meet one of the proceeding criteria.

The Consolidated Appropriations Act, 2022 (Public Law 117-103 (2022 Act) further provides that HUD may waive certain statutory and regulatory provisions to administer the SVs (except for requirements related to tenant rights and protections, rent setting, fair housing,

nondiscrimination, labor standards and the environment) upon a finding that any such waivers or alternative requirements are necessary to facilitate the use of funds made available for SVs.

Additional funds may become available for award under this notice, because of a public housing agency (PHA) determination to not accept an award (all or partial), or because of HUD's efforts to recapture funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints.

**3. Summary of Allocation Formula.** Under the 2021 Act, SV funding must be awarded to PHAs that partner with eligible Continuums of Care (CoCs) or other entities serving the targeted population. Consistent with the requirements of the 2021 Act, HUD will award tenant-based SVs to PHAs who self-identify to HUD their interest in receiving an allocation and demonstrate a strategy to coordinate assistance with services available in the community.

SV awards will follow a two-step process:

- a. Eligible PHAs will respond to this notice with an email. See Section 5 of this notice for detailed instructions.
- b. Based on a relative need formula, that uses estimates of households experiencing or at risk of homeless by geography, registered PHAs will receive an invitation to apply for a specific number of SVs.

**4. Determination of Awards.** HUD is asking PHAs to demonstrate a strategy to pair SVs with services available in the community.

HUD recently announced a NOFO, FR-6500-N-25S. This funding opportunity is designed to promote a community-wide commitment to the goal of ending homelessness.

HUD is encouraging PHAs to partner with CoCs to support efforts to address unsheltered homelessness, including committing available vouchers and public housing units to these efforts. HUD seeks to prioritize PHAs to receive SVs who are partnering with CoCs on this effort. SVs must serve eligible populations as described in Section 8 of this Notice.

HUD will prioritize PHAs based on the criteria specified in the section below. Relative to applications received, HUD's first priority for award will be provided to PHAs in communities selected under HUD's FR-6300-N-25S who demonstrate a commitment to partner with the CoC(s) serving the PHA's geographic area to pair SVs with services available in the community. Given the limited funds available under this notice, HUD expects to first award funding to communities in Prioritization Category 1. After funding Prioritization Category 1, HUD will consider PHAs outlined in Category 2 below. Any remaining funds will be provided to PHAs in Category 3 below. In allocating funding to PHAs within each Category, HUD expects to use the estimated homeless need and at-risk of homelessness need of the PHA's county, similar to the approach taken for the Emergency Housing Voucher program.

Applicants seeking prioritization under Categories 1 and 2 must submit a completed Letter(s) of Commitment described in Section 5 of this notice.

Prioritization Category	Prioritization Criteria
1	Partnering CoC selected under FR-6300-N-25S, <b>and</b> PHA submits a Letter of Commitment from Partnering CoC in the geographic area with their application for an SV allocation. NOTE: The Partnering CoC MUST have an existing referral partnership with a Victim Service Provider (VSP) and Veteran Service Organization (VSO) in the geographic area.
2	Partnering CoC <i>not</i> selected under FR-6300-N-25S, <b>and</b> PHA submits Letters of Commitment from partnering CoCs, VSPs, or VSOs in the geographic area with their application for an SV allocation.

This notice is designed to direct SVs to PHA’s partnering with Continuum’s of Care and Victim Service providers to implement coordinated approaches to reduce the prevalence of homelessness, improve service engagement and promote housing stability while ensuring geographical need of assistance.

HUD will utilize the following data and indicators during the selection process to ensure the statutorily mandated factors of ensuring geographical need of such assistance and public housing agency administrative performance are taken into consideration in the selection of participating communities:

a. *Homeless and at-risk of homelessness need.*

HUD will focus on “homeless need” and “at-risk of homelessness.” These measures will also serve as a proxy for relative need regarding the eligibility categories that includes those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking and human trafficking.

HUD is defining geographical need as the total count of persons experiencing homelessness (whether sheltered or unsheltered) in the PHA geographic area. HUD will use January 2020 CoC Point-in-Time (PIT) homeless data for this measure.

For at-risk of homelessness need, HUD will utilize data from the American Community Survey on rental households with incomes less than 30 percent of Area Median Income (AMI).<sup>1</sup> HUD will use data sets on households living in overcrowded units (1.01 or more persons per room) and/or without compete kitchen or; and for those households that in addition to meeting the income and housing condition criteria are also severely rent burdened (paying more than half their income for rent).

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<sup>1</sup> The McKinney-Vento definition of ‘at-risk’ of homelessness for households specifies that they have incomes of less than 30 percent of Area Median Income in addition to one or more other characteristics that put them at risk of homelessness.

To construct need measured for PHAs, HUD will convert data to the county level. ACS at-risk of homelessness data are only available at the county level. However, the PIT homeless data are available at the Continuums of Care geographies that can vary from a place within a county to being multiple counties. HUD will evaluate the PIT homelessness data to the county level using a county-to-CoC crosswalk based on the renter share in each county with income less than 30 percent of AMI.

b. *PHA administrative capacity*

PHAs, as required by the Act, must demonstrate the capacity to successfully administer the SV program. Therefore, PHAs must not have any major unresolved program management findings from an Inspector General audit, HUD management review, or Independent Public Accountant (IPA) audit for the PHA's HCV program, or other significant program compliance issues that were not resolved, or in the process of being resolved, as determined by HUD, prior to this notice's application deadline. Additionally, applicants must resolve all outstanding civil rights matters to HUD's satisfaction prior to this notice's Registration of Interest deadline, provided that all applicable legal processes have been satisfied.

If a PHA is unsure whether these criteria are met, they should contact the PHA's HUD Office of Public and Indian Housing (PIH) Field Office point of contact.

**5. Registration of Interest.** Funding availability under this notice is available to PHAs who demonstrate a strategy to coordinate assistance with services available in the community. CoC collaboration is a critical tool in identifying resources and developing solutions to challenges that eligible families experience. PHAs are encouraged to consult with their partnering CoC(s) serving the PHA's geographic area to discuss their intention of submitting an application under this notice.

PHAs interested in an allocation of SVs will respond via email. The email requirements are as follows:

- Interested PHAs must send an email response to **StabilityVouchers@hud.gov**.
- The Subject Line of the email must be "Stability Voucher Registration of Interest" followed by the PHA code (i.e., SA002).
- The body of the email must identify the name(s) of the partnering CoC serving the PHA's geographic area and the CoC number. For example: Metropolitan Denver CoC, CO-503. PHAs partnering with more than one CoC.
- Letter of Commitment from the partnering CoC(s) indicating a commitment to collaborate with the PHA to i.) refer eligible families to the PHA through Coordinated Entry for SVs; ii.) pair CoC-funded supportive services with SVs; and (iii.) collaborate with other stakeholders to develop a prioritization plan for SVs.

See Section 10.b. for additional information on how to ensure that victim service organizations are included in these partnerships.

**All Registrations of Interest must be transmitted no later than 11:59:59 p.m. Eastern Standard Time on October 20, 2022.**

After a successful email transmission to **StabilityVouchers@hud.gov**, the sender will receive an “auto-reply” message, confirming receipt of an email. *If you do not receive an “auto-reply” confirming receipt, your email was not received, and the agency will not be considered for an award.* Faxes and hard copy submissions will not be accepted. Note: receipt of an “auto-reply” message does not validate whether or not the response is complete. Please review the notice in its entirety to ensure all requirements are met.

HUD may extend the Registration of Interest deadline upon receipt of a PHA initiated request if there is a presidentially-declared disaster in the applicant PHA’s area. If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicant.

In determining whether to grant a request for an extension based on a presidentially-declared disaster, HUD will consider the totality of the circumstances including the date of an applicant’s extension request (how closely it followed the basis for the extension), whether other applicants in the geographic areas are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its Registration of Interest.

## **6. Invitation of PHAs.**

Selected PHAs will receive an invitation via email to apply for a specific number of SVs. This number is the maximum number of vouchers being offered to the PHA. PHAs may choose to apply for fewer vouchers. Additional instructions, including the deadline for response, will be included in the invitation letter.

**7. PHA Eligibility.** To be eligible to receive an SV funding allocation, a PHA must currently administer the HCV program through an existing Consolidated Annual Contributions Contract (CACC) with HUD. Non-profit agencies that only administer HCV Mainstream vouchers are not eligible to receive an SV allocation.

**8. Household Eligibility.** In order to be eligible for an SV, a household must meet one of four eligibility criteria:

- a. Individuals and families who are currently experiencing homelessness;
- b. Individuals and families at risk of homelessness;
- c. Individuals and families fleeing or attempting to flee domestic violence, dating violence, stalking, sexual assault; and
- d. Veterans and families that include a veteran family that meet one of the preceding criteria (1-3).

In general, the verification that the family meets one of these four eligibility categories is conducted by the CoC, or another partnering agency that makes direct referrals to the PHA. The CoC, or other direct referral partner must provide supporting documentation to the PHA of the referring agency’s verification that the family meets one of the four eligible categories for SV assistance.

**9. Definitions.** The following definitions always apply with respect to SV eligibility, regardless of whether the PHA may have established another definition for any of these terms in its PHA administrative plan.

**At Risk of Homelessness** means the population defined by 24 CFR 578.3.

**Continuum of Care (CoC)** has the meaning provided in 24 CFR 578.3.

**Centralized or Coordinated Entry (CE) Assessment System** has the meaning provided in 24 CFR 578.3. 24 CFR 578.7(a)(8) details the responsibilities of the CoC to establish and operate this required system. In addition to the definition and responsibilities established in the Rule, HUD posted on its website, [CPD-17-01: Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System](#), establishing additional requirements related to the development and use of a centralized or coordinated entry assessment system. These systems help communities in assessing the needs, vulnerability level, and program eligibility of people experiencing or imminently at risk of experiencing homelessness and linking them to available housing programs in the community using standardized access, assessment, prioritization, and referral processes. CE represents one of the opportunities for PHAs to collaborate with their local CoC.

**Dating violence** means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the survivor; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - 1) the length of the relationship;
  - 2) the type of relationship; and
  - 3) the frequency of interaction between the persons involved in the relationship.

**Domestic violence** means the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a survivor, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- a. is a current or former spouse or intimate partner of the survivor, or other person similarly situated to a spouse of the survivor;
- b. is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- c. shares a child in common with the survivor;
- d. is an adult family member of, or paid or nonpaid caregiver in an ongoing relationship of trust with, a survivor aged 50 or older or an adult survivor with disabilities; or
- e. commits acts against a youth or adult survivor who is protected from those acts under the family or domestic violence laws of the jurisdiction.

**Economic Abuse** is the term ‘economic abuse’, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

- a. restrict a person's access to money, assets, credit, or financial information;
- b. unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- c. exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

**Fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking** means any individual or family who is –

- a. experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized;
- b. has no other safe residence; and
- c. lacks the resources to obtain other safe permanent housing.

**Homeless** means the population defined by 24 CFR 578.3.

HUD is clarifying that persons who are fleeing or attempting to flee human trafficking qualify as homeless under paragraph (4) of the homeless definition at 24 CFR 578.3. HUD considers human trafficking, including labor and sex trafficking, to be "other dangerous or life-threatening conditions that relate to violence against the individual or family member" under paragraph (4) of the definition of homeless at 24 CFR 578.3. HUD will consider an individual or family as homeless under paragraph 4 of the homeless definition under the following circumstances where an individual or family: (1) is experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized; (2) has no other safe residence; and (3) lacks the resources to obtain other safe permanent housing.

**Sexual assault** means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the survivor lacks capacity to consent.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) Fear for the person's individual safety or the safety of others; or
- 2) Suffer substantial emotional distress.

**Technological Abuse** means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging

programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

**Veteran** means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. (38 U.S.C. § 101(2); 38 C.F.R. § 3.1(d).

**Victim Service provider** means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking. This term includes rape crisis centers, sexual assault services programs, battered women's domestic violence shelters, domestic violence transitional housing programs, culturally specific domestic violence or sexual assault providers, and other programs.<sup>2</sup>

**10. Waivers and Alternative Requirements.** The Consolidated Appropriations Act, 2022 provided HUD with authority to waive certain statutory and regulatory requirements and establish alternative requirements for funding made available through the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2021. Per the Consolidated Appropriations Act, 2022, the Secretary may waive or specify alternative requirements for certain provisions other than those related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards, and the environment. A summary of the available waivers and alternative requirements is included as Attachment II to this notice

SVs are tenant-based vouchers under Section 8(o) of the United States Housing Act of 1937. Unless expressly waived below, all statutory and regulatory requirements and HUD directives regarding the HCV program are applicable to SVs, including the use of all HUD required contracts and other forms. The administrative policies adopted in the PHA's written administrative plan apply to SVs vouchers unless such local policy conflicts with the requirements of this notice, or the waivers and alternative requirements outlined below.

A PHA may request additional good cause regulatory waivers as established in PIH Notice 2018-16 in connection with the use of the SVs, which HUD will consider and assess upon the request of the PHA.

**Required partnerships with the CoC and/or VSP and other organizations in the PHA's geographic area for direct referrals and services**

SVs are a resource that communities can use to house individuals and families who are experiencing homelessness, at risk of homelessness, are fleeing or attempting to flee domestic violence, dating violence, sexual, stalking, or human trafficking, or have unstable housing, as part of a community-wide plan to address homelessness. Like the Emergency Housing Voucher (EHV) program, SVs have specific eligibility criteria focused on particularly vulnerable families. To ensure priority of families for SVs that are most in need, PHAs are required to work with

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<sup>2</sup> The term "culturally specific" means primarily toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u-6(g)). 34 U.S.C. 12291(a)(8).



community partners to determine the best use and targeting for the vouchers along with other resources available in the community, in the same manner required for EHV. HUD's CoC program is authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381-11389). The program is designed to promote communitywide commitment to the goal of ending homelessness, provide funding for efforts by nonprofit providers, States, and local governments to quickly rehouse homeless individuals (including unaccompanied youth) and families, and persons fleeing or attempting to flee domestic violence, dating violence, sexual, stalking, or human trafficking, while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effective utilization of mainstream programs by homeless individuals and families and optimize self-sufficiency among individuals and families experiencing homelessness.

HUD is establishing an alternative requirement under which the PHA must enter into a Memorandum of Understanding (MOU) with the CoC to establish a partnership with the CoC to pair SVs with CoC-funded supportive services; and to collaborate with the CoC and other stakeholders to develop a prioritization plan for these vouchers. The primary responsibility of the CoC or the under the MOU is to make direct referrals of qualifying individuals and families to the PHA and to identify any CoC-funded available supportive services that may be paired with SVs.

In the MOU, CoCs are encouraged to outline any existing partnerships with health and behavioral health care providers and agencies, state Medicaid agencies and agencies and organizations that may be leveraged to provide ongoing tenancy and wrap-around supportive services for those that may benefit from such services to maintain housing stability. All services provided by the CoC must be outlined in the MOU and should demonstrate the community's strategy to coordinate assistance through available resources. HUD recommends that PHAs and partnering CoCs seek a diverse range of supportive services by partnering with organizations trusted by people experiencing homelessness.

PHAs that agree to accept an allocation must enter into an MOU with a partnering CoC within 90 days of the effective date of the ACC funding increment for the SVs. The PHA must provide the MOU to HUD if requested to do so.

The MOU is a complete statement of the responsibilities of the parties and evidence of a commitment of resources to the SV program. The MOU may be subsequently amended to add or change the services that the CoC may provide but must always retain the direct referral responsibility of the CoC. For ease of administration, PHAs with an EHV allocation may add an SV addendum to their established EHV MOU.

The MOU must include at a minimum:

1. The PHA's, CoC's, and VSP's commitment to administering the SVs in partnership.
2. The goals and standards of success in administering the SVs.
3. The staff position for each organization that will serve as the lead SV liaison.
4. A listing of CoC-funded supportive services that will be paired with SVs.
5. All alternative waivers adopted by the PHA for the administration of SVs.
6. Any permissive prohibition policies agreed upon by the PHA and CoC.

7. The roles and responsibilities of the PHA and CoC, including but not limited to the CoC making direct referrals of eligible families to the PHA through the CE process (CoC's may be required to update CE policies as required under 24 CFR 578.7(a)(c).).
8. A statement that all parties agree to cooperate with any program evaluation efforts undertaken by HUD, or a HUD-approved contractor, including compliance with HUD evaluation protocols and data sharing requests.

The [EHV website](#) includes many resources containing guidance on best practices for working in collaboration with CoC.

### **Admissions process – Direct referrals from the CoC and other partnering organizations**

PHAs must accept referrals for SVs directly from the CE process this will help ensure families are able to get assistance quickly and eliminate the administrative burden on PHAs regarding the determination as to whether the family meets the definition of a qualifying individual or family for SV assistance. CoCs and their partners may also support applicants through the application process and attend meetings with applicants and PHAs to aid individuals and families through the admissions process. Direct referrals for SVs are not added to the PHA's regular HCV waiting list.

In general, families are issued SVs as the result of either: (1) the direct referral process from the CoC CE process or other partnering organizations, or (2) a situation where the PHA makes an SV available in order to facilitate an emergency transfer for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking. PHAs are strongly encouraged to utilize SVs as a resource to effectuate emergency transfers for a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

The PHA must also take direct referrals from outside the CoC CE process if:

(1) the CE process does not have a sufficient number of eligible families to refer to fully lease the PHA's allocation of SVs, or (2) the CE process does not identify a sufficient number of families that may be eligible for SV assistance because they are fleeing, attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.

In those instances, the PHA must enter into a partnership to receive direct referrals from another entity (for example, a Victim Services provider that elects to not use the CE under 24 CFR 578.23(c)(9) or another homeless services provider (if there are not enough direct referrals coming through the CE process), assuming there are such additional organizations that can certify that an individual or family is homeless or at risk of homelessness, formerly homeless, is an individual or family is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking. The PHA must enter an MOU with partnering referral agency as described above in Section 10.a. Alternatively, the partnering referral agency may be added to the MOU between the PHA and CoC.

The referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for SV assistance. The PHA must retain this documentation as part of the family's file. HUD has attached to this notice two examples of certifications that could be used to document the referring agency's verification.

(See Attachment I).

For certifying eligibility for individuals and families fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, CoCs and VSPs may accept the survivors' self-definition of "fleeing or attempting to flee" for purposes of meeting eligibility for the SV as a person fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking. Therefore, if an individual self-identifies as fleeing or attempting to flee domestic violence, that individual would be eligible for a SV. Additionally, the survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking can be a minor child.

Other than cases where a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking is requesting an emergency transfer, the PHA must refer a family that is seeking SV assistance directly from the PHA to the CoC or other referring agency partner for initial intake, assessment, and possible referral for SV assistance.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC's CE process or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), the PHA must enter into a formal partnership with another entity, such as another homeless service provider and/or victim services provider (such as a sexual assault, human trafficking, or cultural specific VSP), to receive referrals.

This system should continue to allow for prioritization according to the standards set out in the MOU between the referring organization and the PHA and should be easy to transition to the CoC's CE process when it comes online or is able to begin making referrals. Following notification, HUD will provide additional guidance to the PHA on adoption of direct referrals outside of the CE process if needed.

PHAs must inform families on the HCV waiting list of the availability of SVs by, at a minimum, either posting the information to their website or providing public notice in their respective communities. The PHA notice must describe the eligible populations to which the SVs are limited and clearly state that the availability of these SVs is managed through a direct referral process. The PHA notice must advise the family to contact the CoC (or any other PHA referral partner, if applicable) if the family believes they may be eligible for SV assistance. In providing this notice, PHAs must ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities. PHAs must also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP). (See Section 14– Nondiscrimination and Equal Opportunity Requirements - for more information.)

Effective communication is generally provided through the use of appropriate auxiliary aids and services, such as interpreters, computer-assisted real time transcription (CART), captioned videos with audible video description, accessible electronic communications and websites, documents in alternative formats (e.g., Braille, large print), or assistance in reading or completing a form. PHAs must also take reasonable steps to ensure meaningful access for

persons with limited English proficiency (LEP). To meet its LEP obligations, the PHA should generally (1) conduct the four-factor analysis in accordance with the *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* published on January 22, 2007 in the Federal Register, at 72 Fed. Reg. 2732; (2) develop a Language Access Plan; and (3) provide appropriate language assistance. Language assistance includes, but is limited to, oral interpretation services, employment of bilingual staff, telephone service lines interpreters, written translation services, and referrals to community liaisons proficient in the language of LEP persons.

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. The CoC will determine if the family is prioritized (based on the qualifying definition for SV assistance for those fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, or another eligible category as applicable) for an SV.

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. The CoC will determine whether the family is eligible for an SV (based on the qualifying definition for SV assistance for homelessness or another eligible category as applicable). The CoC will also determine if the family is eligible for other homeless assistance through the CE process.

With the exception of special admissions,<sup>3</sup> the HCV regulations require that the PHA admit an applicant as a waiting list admission. In order to implement the above alternative requirements, HUD is waiving 24 CFR § 982.204(a), which requires that except for special admissions, participants must be selected from the PHA waiting list and that the PHA must select participants from the waiting list in accordance with admission policies in the PHA administration plan.

### **Separate waiting list for SVs**

The HCV program regulations at 24 CFR § 982.204(f) provide that a PHA must use a single waiting list for admission to its HCV program. It is possible that the number of applicants referred by partnering agencies at a given time may exceed the SVs available for the PHA to issue to families. HUD recognizes that requiring PHAs to utilize its existing HCV waiting list to manage SV referrals will create unnecessary administrative burden, complications, and delays. HUD is therefore waiving 24 CFR § 982.204(f) to establish an alternative requirement under which the PHA shall maintain a separate waiting list for SV referrals/applicants to help expedite the leasing process. Because the SV waiting list is based on direct referrals or emergency transfer requests to the PHA from survivors of domestic violence, dating violence, sexual assault, stalking, or human trafficking and not applications from the general public, HUD is also waiving 24 CFR § 982.206, which requires the PHA to give public notice when opening and closing the waiting list. Under this alternative requirement, the PHA will work directly with its CoC, VSP,

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<sup>3</sup> A special admission (24 CFR § 982.203) is a non-waiting list admission that is only applicable if HUD awards a PHA program funding that is targeted for families living in specified units.

and other referral agency partners to manage the number of referrals and the size of the SV waiting list.

### **Local preferences**

Under the HCV program, the PHA may establish a system of local preferences for the selection of families. The PHA may have an existing set of local preferences for its HCV program that understandably does not align with the specific targeted purpose of the SVs. Furthermore, the PHA, in conjunction with the CoC and other referral partners, may wish to establish preferences specifically designed for SV admissions that the PHA would not want to apply to its regular HCV waiting list. Excluding SVs from the PHA's normally applicable local preference system will simplify program administration and ensure that SVs are not being prioritized based on preferences designed for the broad universe of HCV eligible applicants rather than the subset of families that qualify for SVs.

HUD is waiving 24 CFR § 982.207(a) and establishing an alternative requirement that the local preferences established by the PHA for HCV admissions do not apply to SVs. 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.

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. The preference system prioritizes the order in which families on the SV waiting list are assisted but does not allow the PHA to refuse to accept a referred family that meets one of the four SV eligibility categories, or otherwise delay issuance of an available voucher to that eligible family in order to "hold" the voucher for a future referral of a preference holder. The PHA must ensure any local preferences do not discriminate on the basis of any federally protected classes and cannot utilize criteria or methods of administration which would result in discrimination. See Section 14 – Nondiscrimination and Equal Opportunity Requirements for more information on applicable federal civil rights requirements. The HCV program regulations at 24 CFR § 982.207(b) allows a PHA to adopt and implement a residency preference in accordance with the non-discrimination and equal opportunity requirements listed at 24 CFR § 5.105(a). 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 /CE aspect of SV administration, it is not appropriate to apply residency preferences for SV admission. Consequently, HUD is waiving 24 CFR § 982.207(b) and establishing an alternative requirement under which a PHA may not apply any residency preference to SV applicants.

### **Restrictions on PHA denial of assistance to an SV applicant**

The HCV program regulations at 24 CFR § 982.552 and § 982.553 cover the grounds under which a PHA may deny an applicant admission to the program and in certain cases is required to do so. These grounds include the following:

- If any member of the family has been evicted from federally assisted housing in the last five years
- If a PHA has ever terminated assistance under the program for any member of the family
- If any member of the family has committed fraud, bribery, or any other corrupt or

criminal act in connection with any Federal housing program

- If 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
- If 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.
- If the family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
- If the family engaged in or threatened abusive or violent behavior toward PHA personnel.
- If the family has been engaged in criminal activity or alcohol abuse as described in CFR § 982.553.

HUD is waiving 24 CFR § 982.552 and § 982.553 in part and establishing an alternative requirement with respect to mandatory and permissive prohibitions of admissions for SV applicants. The SV alternative requirement is as follows:

#### *Mandatory Prohibitions*

(1) The PHA must apply the standards it established under 24 CFR § 982.553(a)(1)(ii)(C) that prohibit admission 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 to SV applicants.

(2) The PHA must apply the standards it established under 24 CFR § 982.553(a)(2)(i) that 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 to SV applicants.

#### *Permissive Prohibitions*

The PHA may prohibit admission of a family for the grounds stated below. The PHA may choose not to prohibit admission for these grounds or may establish a more permissive policy than the PHA's policy for admission to the regular HCV program. The PHA may not establish a permissive prohibition policy for SV applicants that is more prohibitive than the policy established for admissions to the regular HCV program. The PHA policy on SV permissive prohibitions must be described in the PHA's administrative plan.

If the PHA intends to establish permissive prohibition policies for SV applicants, the PHA must consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration. The PHA must not deny SV applicant admission or otherwise exclude an SV applicant based on arrest records only. PHAs are encouraged to consider the circumstances in which any conduct has occurred, the length of time since the offense, the nature and severity of the offense, and any supporting information, (e.g. an engagement with supportive services, participation in treatment activities/program, whether criminal activity was related to intimate partner violence, other evidence of rehabilitation, etc.) and any supporting information, (ex. an engagement with supportive services, participation in treatment activities/program, whether criminal activity was

related to human trafficking victimization, etc.) when determining whether past/recent criminal activity merits a permissive prohibition. The PHA policy on SV permissive prohibitions must be described in the PHA's administrative plan. Determinations must be made based on an individualized assessment of relevant mitigating information.<sup>4</sup> Before denying SV applicant admission because of a criminal record, the PHA must offer that individual the opportunity to provide evidence of mitigating circumstances or that the record is inaccurate. The permissive prohibitions are:

- 1) If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:
  - 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.<sup>5</sup>
- 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.
- 3) If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.

HAs are reminded that they must use and rely on objective, accurate, and reliable evidence when making determinations. PHAs may not rely on records of arrest alone when making eligibility determinations. In recognition that criminal records databases may not be current, PHAs are reminded of their obligation to use accurate and reliable information to make determinations. Affording individuals an opportunity to be heard prior to an adverse determination consistent with 24 CFR § 982.554, is required as families may have relevant information that may not be as easily obtainable through other means.

In addition, PHAs must make reasonable accommodations for individuals with disabilities, which may include making an exception or adjustment to a criminal background screening policy or practice, when such exception or adjustment may be necessary to afford a person with a disability the equal opportunity to access the HCV program in accordance with the Fair Housing Act, Section 504, and the ADA.

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<sup>4</sup> See Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016), available at [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF) at 7 (“individualized assessment of relevant mitigating information beyond that contained in an individual’s criminal record is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account. Relevant individualized evidence might include: the facts or circumstances surrounding the criminal conduct . . . evidence that the individual has maintained a good tenant history before and/or after the . . . conduct; and evidence of rehabilitation efforts.”)

<sup>5</sup> Please see PIH Notice 2015-19. The purpose of PIH 2015-19 is to inform PHAs and owners of other federally assisted housing that arrest records may not be the basis for denying admission, terminating assistance or evicting tenants, to remind PHAs and owners that HUD does not require their adoption of “One Strike” policies, and to remind them of their obligation to safeguard the due process rights of applicants and tenants. See also Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016), available at [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF) (overviewing how applying criminal records screening too broadly may implicate fair housing liability for housing providers).

Unlike regular HCV admissions, PHAs may not deny an SV applicant admission regardless of whether:

Any member of the family has been evicted from federally assisted housing or the PHA has ever terminated assistance under the program for any member of the family.

- 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.
- 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.
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with 24 CFR §982.553(a)(3).
- The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

Similar to the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program and EHV program, HUD is eliminating the PHA's permissive prohibitions for SV admissions for drug-related criminal activity. The eligible populations of homeless and at-risk of homelessness individuals and families may include individuals struggling with drug addiction, and that addiction may be one of the root causes of their homelessness. As demonstrated by the "Housing First" model, providing the individual with safe housing may be a critical first step in helping the individual recover from addiction. Consequently, prohibitions based on criminal activity for the eligible SV populations regarding drug possession should be considered apart from criminal activity against persons (i.e., violent criminal activity). Further, the Department remains concerned about the potential discriminatory effect that reliance on drug-related criminal activity history as grounds for denial of admission may pose for the SV program.

For further information on the use of criminal histories and the Fair Housing Act, please see [HUD's Office of General Counsel Guidance on the Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#), issued on April 4, 2016.

The PHA must still deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR part 5 as required by 24 CFR § 982.552(b)(3) but should notify the family of the limited SV grounds for denial of admission first.

When adding a family member after the family has been placed under a HAP contract with SV assistance, the regulations at 24 CFR § 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular screening criteria in doing so.

### **Income verification at admission**

Under the HCV program, PHAs must determine whether an applicant family's income exceeds the applicable income limit as established by HUD in the jurisdiction where the family wishes to



lease a unit. While the verification hierarchy described in Notice PIH 2018-18 applies to income determinations for applicants, the Enterprise Income Verification (EIV) system generally is not available for verifying income of applicants.

The program regulations under 24 CFR § 982.201(e) requires that the PHA must receive information verifying that an applicant is eligible within the 60-day period before the PHA issues a voucher to the applicant. For verification purposes, Notice PIH 2018-18 states that third-party generated documents be dated within 60 days of the PHA's request.

For households experiencing homelessness and other SV eligible families, documentation may not be readily on-hand and may be difficult to obtain quickly. Accepting self-certifications and allowing for the delay of receipt of documentation and/or third-party verification will allow the CoC/VSP/partnering agency to assist the family in obtaining the necessary documentation without unduly delaying the family's housing assistance.

HUD is waiving 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. Applicants must submit an affidavit attesting to reported income, assets, expenses, and other factors which would affect an income eligibility determination. Additionally, 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. For example, a Supplemental Security Income (SSI) benefit letter that was issued in November 2020 to represent the applicant's benefit amount for 2021 and was provided to the PHA in September 2021 would be an acceptable form of income verification. As a reminder, the PHA may also use the SSI benefit letter as proof of disability.

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must: review the EIV Income and Income Validation Tool (IVT) Reports to confirm/validate family-reported income within 90 days of the 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.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search. The PHA may be required to deny assistance to household members already receiving assistance from another program.

PHAs are encouraged to incorporate additional procedures to remind families of the obligation to provide true and complete information. PHAs that conduct eligibility determinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. Additionally, PHAs must take necessary enforcement actions if the tenant was never eligible due to their income. Also, PHAs must initiate HUD-compliant payment plans for those whose failure to report their income or part thereof was unintentional and does not make the tenant ineligible for the program accordingly.

The adoption of this waiver does not authorize any ineligible family to receive assistance under

these programs. If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

### **Eligibility Determination: Social Security Number, Citizenship, and Eligible Immigration Status Verification**

HCV applicants must disclose and document and PHAs must verify the social security numbers (SSN) of each applicant. Applicant documentation may include a valid SSN card issued by the Social Security Administration; an original document issued by a federal or state government agency which contains the individual's name, SSN and other identifying information; or other evidence of the SSN as prescribed by HUD. Generally, a PHA may not admit an applicant until the required documentation is provided to verify the SSN of each household member.

PHAs also must verify evidence of U.S. citizenship or eligible immigration status for noncitizens claiming eligibility for assistance. Each eligible household member must sign a declaration of their status and eligible noncitizens must also provide supporting documentation, which must be submitted by the time of the eligibility determination. Noncitizens with eligible immigration status include VAWA Self-petitioners<sup>6</sup> and human trafficking survivors and certain family members.<sup>7</sup> Documentation verifying U.S. citizenship may also be requested. Since eligibility for assistance is limited to U.S. citizens and noncitizens who have eligible immigration status, families in which not all members are U.S. citizens or have eligible immigration status are only eligible to receive pro-rated housing assistance based on the percentage of family members who qualify for assistance.

Additionally, PHAs must verify each family member's date of birth to verify identity and determine age and disability status per 24 CFR § 5.403, if claimed. These family characteristics impact the income and tenant rent calculations.

This documentation may not be readily on hand and may be difficult to obtain for individuals and families experiencing homelessness. Accepting self-certifications and delaying the receipt of documentation and/or third-party verification will allow PHAs to assist SV families more quickly and provide time for the family (with assistance from the CoC or other partnering agencies) to obtain the necessary documentation.

HUD is consequently waiving the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the SV program. PHAs may adopt policies to admit SV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA

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<sup>6</sup> HUD Memorandum, Eligibility of Battered Noncitizen Self-Petitioners for Financial Assistance Under Section 214 of the Housing and Community Development Act of 1980 (Dec. 15, 2016); HUD Notice PIH 2017-02 (HA) Violence Against Women Act (VAWA) Self-Petitioner Verification Procedures.

<sup>7</sup> These include human trafficking survivors and family members who: (1) have a Certification Letter from the Department of Health and Human Services (including T-1 nonimmigrants and Continued Presence recipients), (2) are noncitizen minors who have received a Child Eligibility Letter from the Department of Health and Human Services; or (3) are granted derivative T nonimmigrant status by USCIS (T-2 through T-6 nonimmigrant status).

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. If a family member appeals secondary verification of immigration documents, PHAs are reminded that assistance may not be delayed, denied, reduced or terminated on the basis of immigration status pending the completion of the appeal as described in 24 CFR § 5.514(e).

Additionally, PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

PHAs are encouraged to incorporate additional procedures to remind families of the obligation to provide true and complete information. PHAs that conduct eligibility determinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies (i.e., erroneous SSNs) that may arise later and must take necessary enforcement actions accordingly. The adoption of this waiver does not authorize any ineligible family to receive assistance under these programs. If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

### **Inapplicability of Income Targeting Requirements**

The PHA must determine income eligibility for SV families in accordance with 24 CFR § 982.201. However, the income targeting requirements of Section 16(b) of the United States Housing Act of 1937 and 24 CFR § 982.201(b)(2) are waived and do not apply for SV families so that participating PHAs can effectively serve individuals and families in all the eligibility categories under the ARP who may be at a variety of income levels, including low-income families. The PHA 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. In conformance with normal program rules, PHAs may not deny admission to a family with zero income and must consider hardship circumstances before charging a minimum rent in accordance with 24 CFR § 5.630(b).

### **Use of recently conducted initial income determinations and verifications at admission**

Some families who were recently homeless but are now currently residing in rapid rehousing or are receiving other time-limited housing assistance may have had their income recently verified under that housing assistance program. Furthermore, families who are eligible for SV assistance as survivors of domestic violence, dating violence, sexual assault, stalking, or human trafficking may be currently assisted through other subsidized housing programs such as public housing. PHAs may accept income 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. 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.

For each new admission under this 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 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.

### **Pre-inspection of HQS units**

To expedite the leasing process, PHAs may pre-inspect available units that SV families may be interested in leasing in order to maintain a pool of eligible units. If an SV family selects a unit that passed a HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (form HUD-52517), the unit may be approved as long as it meets all other conditions under 24 CFR § 982.305. However, the family must be free to select their unit and cannot be required to accept a pre-screened unit.

### **Initial search term**

Given rising rents and low vacancy rates SV families may face significant challenges with their housing search. An initial search term of 60 days may be inadequate for SV families to find a unit. Consequently, HUD is waiving 24 CFR § 982.303(a), which provides that the initial search term must be at least 60 days and is establishing an alternative requirement that the 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. HUD recommends PHAs consider extending beyond the required 120-day initial search term if rising rents and low vacancy rates are contributing factors to low leasing rates in the PHA's jurisdiction.

As a reminder, a PHA must grant reasonable accommodation requests to extend the housing search term that may be necessary for individuals with disabilities to find a unit that meets their disability-related needs. For example, it may be challenging to find a unit that includes specific accessibility features, is close to accessible transportation, or close to supportive services or medical facilities.

### **Initial lease term**

Under the HCV program, the family must enter into an initial lease with the owner for at least one year, unless a shorter term would improve housing opportunities for the tenant and the shorter term is a prevailing market practice. To provide a greater range of housing opportunities for SV families and maximize housing choice, HUD is waiving Section 8(o)(7)(A) of the United States Housing Act of 1937 and 24 CFR § 982.309(a)(2)(ii). The initial lease term for an SV family may be less than 12 months regardless of whether the shorter term is a prevailing market practice.

### **Portability**

The normal HCV portability procedures and requirements generally apply to SVs with the following exceptions.

#### *No prohibition on portability for non-resident applicants*

Under the HCV program, if neither the household head nor spouse of an assisted family already had a "domicile" (legal residence) in the jurisdiction of the PHA at the time the family first

submitted an application for participation in the program, the family does not have any right to portability during the 12-month period from when the family is admitted to the program. Such a family is a “non-resident applicant.” The initial PHA may choose to allow portability during this period but is not required to do so.

In order to provide maximum 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. Accordingly, HUD is waiving Section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and 24 CFR § 982.353(c). The PHA may not restrict an SV family from exercising portability because they are a nonresident applicant.

#### *Portability billing and absorption*

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.

If an SV family moves under portability to another PHA that administers SVs under its own ACC:

- The receiving PHA may only absorb the incoming SV family with an SV (assuming it has an SV voucher available to do). If the PHA does not have an SV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with SV assistance and may not absorb the family with a regular HCV when the family leases the unit.
- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family’s SV assistance, the SV administration of the voucher is in accordance with the receiving PHA’s SV policies, although neighboring PHAs and PHAs in the same metro area or region are strongly encouraged to work collaboratively with one another to align SV policies and help facilitate SV portability moves between their jurisdictions.

If the SV family moves under portability to another PHA that does not administer SVs under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

#### *Family briefing/initial PHA and receiving PHA coordination on services*

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 is required to help facilitate the family’s portability move to the receiving PHA and inform the family of this requirement in writing taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP). In briefing a family that includes any disabled person, the PHA must take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6. 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 any services and assistance that will be made available to the family.

#### *iv. SV portability – HAP and administrative fees*

### **HAP and ongoing fees**

The requirements at 24 CFR § 982.355(e) apply to portability billing arrangements on behalf of an SV family:

- The initial PHA must promptly reimburse the receiving PHA for the full amount of the housing assistance payments made by the receiving PHA for the family.
- The initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA's SV ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee (or the receiving PHA's SV ongoing administrative fee if the receiving PHA administers the SV program). If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

### **Payment standard amounts**

The HCV regulations at 24 CFR § 982.503(a)(3) provide that the PHA voucher payment standard schedule shall establish a single payment standard amount for each unit size, and that for each unit size, the PHA may establish a single payment standard amount for the whole Fair Market Rent (FMR) area or may establish a separate payment standard amount for each designated part of the FMR area.

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.

Due to those factors, HUD is waiving 24 CFR § 982.503(a)(3) and establishing an alternative requirement permitting PHAs to establish separate higher payment standards for SVs in order to increase the potential pool of available units for SV families. The separate SV payment standard must comply with all other HCV requirements under 24 CFR § 983.503 with the exception of the waivers of 24 CFR § 982.503(b)(i) and § 982.503(b)(iii) discussed below.

Establishing a separate SV payment standard is at the discretion of the 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. For PHAs administering both SVs and EHV, the SV payment standard must not be less than the EHV 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.

In addition, HUD is waiving 24 CFR § 982.503(b)(1)(i) and establishing an alternative requirement to allow the PHA to establish a payment standard amount for a unit size at any level between 90 percent and 120 percent (as opposed to 110 percent) of the published FMR for that unit size. HUD approval is not required to establish an SV payment standard within that range.

Furthermore, HUD is waiving 24 CFR § 982.503(b)(1)(iii) and establishing an alternative requirement to provide that a PHA that is not in a designated Small Area FMR area or has not opted to voluntarily implement Small Area FMRs under § 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.

PHAs may also still request approval for exception SV payment standards above 120% of the applicable FMR/SAFMR from HUD in accordance with 24 CFR § 982.503(b)(1)(iv) or § 982.503(c) if needed.

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.

### **Increase in payment standard during HAP contract term**

The HCV regulations at 24 CFR § 982.505(c)(4) require that if the payment standard amount is increased during the term of 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.

HUD is waiving this requirement and as an alternative requirement providing a PHA with 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.

**11. Project-based units.** All tenant-based SV awards can be converted to Project-Based Vouchers (PBV) at any time after award without HUD approval provided all the established PBV regulations and requirements are followed. No additional HUD Headquarters approvals are required for project basing HUD-VASH vouchers beyond the normal process. All PBV requirements in 24 CFR part 983 apply for SVs except where waived as described below. The HCV regulations at 24 CFR § 983.251(c)(1) require PHAs to select families for project-based units from its HCV waiting list (or PBV waiting list, if applicable). HUD is waiving this requirement and establishing an alternative requirement that PHAs receive SV referrals from CoC partners for vouchers as well as project-based assistance.

**12. Turnover.** Upon turnover, SV vouchers must continue to remain available for families experiencing or at-risk of homelessness, those fleeing or attempting to flee domestic violence dating violence, sexual assault, or stalking, or human trafficking, and veterans and families that include a veteran family member that meet one of the proceeding criteria.

**13. Reporting Requirements.** PHAs awarded SVs under this notice must maintain a special program code for Stability Voucher participants in line 2n of the Family Report (form HUD-50058) or line 2p of the MTW Family Report (form HUD-50058), as applicable. The special

program code is “SV.” PHAs must also properly record the date the PHA issues the voucher to the eligible household in line 2a of the 50058. PHAs may need to update their system software to incorporate the new special purpose voucher code “SV”.

**14. Moving-to-Work (MTW) Agencies.** MTW agencies that administer SVs are bound by the terms and conditions of this notice. As discussed above in Section 10, all HCV statutory and regulatory requirements and HUD directives are applicable to SVs unless waived by this notice. However, MTW agencies may request approval from HUD’s Office of Housing Voucher Programs to administer SVs in accordance with the HCV programmatic flexibilities approved under PHA’s Annual MTW Plan or MTW Supplement to the PHA Plan, as permitted by its MTW Agreement or the MTW Operations Notice. The Office of Housing Voucher Programs may approve the MTW PHA’s request provided it determines the requested MTW flexibility is not in direct conflict with an SV waiver or alternative requirement and its application would not have a detrimental impact on SV families. Like other waivers, MTW PHAs must submit such requests with supporting justification through their local Field Office. SV funding is not eligible for MTW fungibility but must only be used for SV eligibility activities and to assist SV eligible families.

**15. Nondiscrimination and Equal Opportunity.** PHAs are reminded in administering the SV program to follow all applicable nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a) and 24 CFR 982.53, including but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act, HUD’s Equal Access Rule, Title II of the Americans with Disabilities Act of 1990, and the Violence Against Women Act. The PHA is also required to affirmatively further fair housing in the administration of the SV program. These requirements prohibit discrimination on the basis of race, color, religion, sex, familial status, national origin, disability, age, sexual orientation, gender identity, and marital status. PHAs should also comply with Title III of the Americans with Disabilities Act of 1990 (see 28 CFR 35.160 and 28 CFR 36.303).

When an SV household is or includes a person with disabilities, reasonable accommodations may be necessary. A reasonable accommodation is a change, exception or adjustment to rules, policies, practices or services that may be necessary in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common areas, or to participate in or access programs and activities. Under Section 504, reasonable accommodations may also include a structural change to a unit.

In addition, the PHA must also provide effective communication to persons with disabilities, including those with vision, hearing, and other communication related disabilities, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters, accessible website and other accessible electronic communications. See 24 CFR 8.6. The PHA must also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP). LEP guidance and LEP information is available here:

**<https://www.federalregister.gov/documents/2007/01/22/07-217/final-guidance-to-federal-financial-assistance-recipients-regarding-title-vi-prohibition-against>**



**16. Information Contact.** All inquiries about this notice should be directed to [StabilityVouchers@hud.gov](mailto:StabilityVouchers@hud.gov).

**17. Paperwork Reduction Act.** The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C 3520). In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The following active information collections contained in this notice have been approved under the PRA-OMB Control Numbers 2577-0169 and 2577- 0083.

/s/

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Dominique Blom  
General Deputy Assistant Secretary  
for Public and Indian Housing

**Attachment 1: Example of a Homeless Provider's Certification**

**Stability Voucher (SV)  
HOMELESS CERTIFICATION**

SV Applicant Name: \_\_\_\_\_

- Household without dependent children (complete one form for each adult in the household)
- Household with dependent children (complete one form for household)

Number of persons in the household: \_\_\_\_\_

**This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation**

**Check only one box and complete only that section**

**Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)**

- The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or campground.

Description of current living situation:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Homeless Street Outreach Program Name: \_\_\_\_\_

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Living Situation: Emergency Shelter**

- The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name: \_\_\_\_\_

*This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to the U.S. Department of Housing and Urban Development (HUD) or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).*

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Living Situation: Recently Homeless**

- The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (e.g., households in rapid rehousing programs, residents of permanent supportive housing programs participating in Moving On, etc.)

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.*

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

- Emergency shelter OR  A place unfit for human habitation

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment 2: Example of a Victim Services Provider's Certification  
Stability Voucher (SV)**

**SAMPLE CERTIFICATION FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING  
VIOLENCE, SEXUAL ASSAULT, STALKING, AND/OR HUMAN TRAFFICKING**

**Use of this Optional Form:**

Service providers may utilize this form to certify a family's eligibility for SV to document households who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, and/or human trafficking. In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for the U.S. Department of Housing and Urban Development's (HUD) Stability Voucher program.

**Confidentiality:**

All information provided during the referral process concerning the incident(s) of domestic violence, dating violence, dating violence, sexual assault, stalking, and human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED ON BEHALF OF SURVIVORS OF DOMESTIC VIOLENCE, DATING  
VIOLENCE, SEXUAL ASSAULT, STALKING, AND/OR HUMAN TRAFFICKING**

SV Applicant Name: \_\_\_\_\_

The applicant named above is a survivor of (please check from the list all that apply):

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking
- Human Trafficking

This certifies that the above named individual or household meets the definition for persons who are fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking and/or human trafficking as these terms are defined under 34 U.S.C. Section 12291 of the Violence Against Women Act<sup>8</sup> and 22 U.S.C. Section 7102(11) of the Trafficking Victims Protection Act.<sup>9</sup>

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<sup>8</sup> The Violence Against Women Act ("VAWA") 2013 protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>9</sup> The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other federally-funded social service programs available to assist victims in rebuilding their lives.

I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### 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	Yes	PHA shall maintain a separate waiting list for SV.

		referrals/applicants.		
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.

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"> <li>a. Violent criminal activity.</li> <li>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.</li> </ul> <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> <p>(3) If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.</p>



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><b><u>Unlike the HCV admissions PHAs may not deny admission for any of the following:</u></b></p> <ol style="list-style-type: none"> <li>1. Any member of the family has been evicted from federally assisted housing in the last five years.</li> <li>2. A PHA has ever terminated assistance under the program for any member of the family.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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).</li> <li>7. The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.</li> </ol>
Income verifications at	24 CFR § 982.201(e)	Waives the third-party income verification	No	Allows PHA to accept self- certification as the highest form of

admission		requirements for SV applicants and, alternatively allowing PHAs to consider self-certification as the highest form of income verification at admission		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 <b>60 days</b> 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 <b>180 days</b> 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 <b>90 days</b> 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 calculation and verifications from third-party providers	24 CFR § 982.201(e)	PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for	No	For each new admission under this 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

		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.		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 <b>must be at least 120 days</b> . 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 8(r)(1)(B)(i) of the United States Housing Act of 1937 and 24 CFR § 982.353(c)	The normal HCV portability procedures and requirements apply to SVs with some exceptions (see alternative requirements section to the right).	Yes	In order to provide maximum 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.  The PHA may not restrict an SV family from exercising portability because they are a nonresident

				<p>applicant.</p> <p>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 higher payment standards for SVs	24 CFR § 982.503(a)(3), § 982.503(b)(1)(i), § 982.503(b)(1)(iii)	Waiving 24 CFR § 982.503(a)(3) and 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	No	<p>Establishing a separate SV payment standard is at the discretion of the 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</p>

		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>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 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	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

		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.		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.
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## Attachment IV Sample SV Memorandum of Understanding

[\*\* This sample document demonstrates the Memorandum of Understanding requirements for the administration of Stability Vouchers. Unless otherwise noted, all elements are required. \*\*]

### Memorandum of Understanding – Stability Vouchers

This Memorandum of Understanding (MOU) has been created and entered on [Insert execution date] by [PHA Name and Address] and [CoC/VSP Name and Address].

#### I. Introduction and Goals

The [PHA Name] and [CoC/VSP Name] through the Stability Voucher (SV) Program seek to prevent and end homelessness among individuals and families who are experiencing or at-risk of homelessness, those fleeing or attempting to flee domestic violence dating violence, sexual assault, stalking, and human trafficking, and veterans and families that include a veteran family member that meets one of the proceeding criteria.

The Consolidated Appropriations Act, 2021 (Public Law 116-260) (2021 Act), makes available \$43,343,000 for new incremental voucher assistance under Section 8(o) of the United States Housing Act of 1937 for use by individuals and families experiencing or at-risk of homelessness; those fleeing or attempting to flee domestic violence, dating violence, sexual assault, and stalking; and veterans and families that include a veteran family member that meets one of the proceeding criteria.

The Further Consolidated Appropriations Act, 2022 (Public Law 117-103 (2022 Act) further provides that HUD may waive certain statutory and regulatory provisions to administer the SVs (except for requirements related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards and the environment) upon a finding that any such waivers or alternative requirements are necessary to facilitate the use of funds made available for SVs.

This Memorandum of Understanding (MOU) outlines the collaboration and commitment between [PHA name] and [CoC/VSP Name] to pair Stability Vouchers with CoC-funded supportive services; and to collaborate with the CoC/VSP and other stakeholders to develop a prioritization plan for these vouchers.

#### Lead Agency Liaisons:

Name and title of PHA staff position:

Name and title CoC and/or VSP staff position:

#### II. Individuals and Families Eligibility under the Qualifying Categories

In order to be eligible for an SV, an individual or family must meet one of four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking,

- or human trafficking
- Veterans

### **III. SV Roles and Responsibilities**

#### **A. PHA Roles and Responsibilities [\*\*The following responsibilities are listed for example purposes. \*\*]**

1. Coordinate and consult with the CoC in developing the services and assistance to be offered under the SV services fee.
2. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.
3. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.
4. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.
5. Designate a staff to serve as the lead SV liaison.
6. Comply with the provisions of this MOU.

#### **B. CoC Roles and Responsibilities [\*\*The following responsibilities are listed for example purposes. \*\*]**

1. Designate and maintain a lead SV liaison to communicate with the PHA.
2. Refer eligible individuals and families to PHA using the community's coordinated entry system.
3. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e. self-certifications, birth certificate, social security card, etc.).
4. Attend SV participant briefings when needed.
5. Assess all households referred for SV for mainstream benefits and supportive services available to support eligible individuals and families through their transition.
6. Identify and provide supportive services to SV families. (While SV participants are not required to participate in services, the CoC should assure that services are available and accessible.)
7. Comply with the provisions of this MOU



#### **IV. CoC-funded supportive services that will be paired with SVs**

CoCs are encouraged to outline any existing partnerships with health and behavioral health care providers and agencies, state Medicaid agencies and agencies and organizations that may be leveraged to provide ongoing tenancy and wrap-around supportive services for those that may benefit from such services to maintain housing stability. All services provided by the CoC must be outlined in the MOU with the CoC and should demonstrate the community's strategy to coordinate assistance through available resources. HUD recommends that PHAs and partnering CoCs seek a diverse range of supportive services by partnering with organizations trusted by people experiencing homelessness.

#### **V. PHA Adopted Waivers and Alternative Requirements**

PIH Notice 2022-XX, provides [insert PHA Name] with authority to adopt certain statutory and regulatory requirements and alternative requirements for Stability Vouchers. [Insert PHA Name] and [Insert CoC/VSP Name] have agreed to adopt the following waivers and alternative requirements-

*[List all waivers and alternative requirements discussed, agreed upon by the PHA and CoC for the administration of SVs].*

#### **VI. PHA Permissive Prohibition Policies agreed upon by the PHA and CoC**

[Insert PHA name] in consultation with [Insert CoC/VSP Name] have agreed to adopt the following permissive prohibitions for the Stability Voucher program-

*[List any permissive prohibition policies agreed upon by the PHA and CoC]*

#### **VII. Program Evaluation**

[Insert PHA name], and [Insert CoC /VSP] agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor.

Signed By:

\_\_\_\_\_  
Public Housing Agency Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
CoC/VSP Executive Director

\_\_\_\_\_  
Date