

## Chapter 5

### BRIEFINGS AND VOUCHER ISSUANCE

#### INTRODUCTION

This chapter explains the briefing and voucher issuance process. When a family is determined to be eligible for the Housing Choice Voucher (HCV) program, the Housing Authority of Myrtle Beach (MBHA) must ensure that the family fully understands the way the program operates and the family's obligations under the program. This is accomplished through both an oral briefing and provision of a briefing packet containing the HUD required documents and other information the family needs to know. Once the family is fully informed of the program's requirements, MBHA issues the family a voucher. The voucher includes the unit size for which the family qualifies based on MBHA's subsidy standards, as well as the issue and expiration date of the voucher. The voucher is the document that authorizes the family to begin its search for a unit, and limits the amount of time the family has to successfully locate an acceptable unit.

This chapter describes HUD regulations and MBHA policies related to these topics in two parts:

Part I: Briefings and Family Obligations. This part details the program's requirements for briefing families orally, and for providing written materials describing the program and its requirements. It includes a particular focus on the family's obligations under the program.

Part II: Subsidy Standards and Voucher Issuance. This part discusses MBHA's standards for determining how many bedrooms a family of a given composition qualifies for, which in turn affects the amount of subsidy the family can receive. It also discusses the policies that dictate how vouchers are issued, and how long families have to locate a unit.

#### PART I: BRIEFINGS AND FAMILY OBLIGATIONS

##### 5-I.A. OVERVIEW

HUD regulations require MBHA to conduct mandatory briefings for applicant families who qualify for a voucher. The briefing provides a broad description of owner and family responsibilities, explains MBHA's procedures, and includes instructions on how to lease a unit. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

## **5-I.B. BRIEFING [24 CFR 982.301]**

MBHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed individually or in groups. At the briefing, MBHA must ensure effective communication in accordance with **Section 504 requirements (Section 504 of the Rehabilitation Act of 1973)**, and ensure that the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

### MBHA Policy

Briefings will be conducted in-group meetings when possible.

All adult family members are required to attend the briefing.

Families that attend group briefings and still need individual assistance will be referred to an appropriate MBHA staff person.

Briefings will be conducted in English. For limited English proficient (LEP) applicants, MBHA will provide translation services in accordance with MBHA's LEP plan (See Chapter 2).

## **Notification and Attendance**

### MBHA Policy

Families will be notified of their eligibility for assistance at the time they are invited to attend a briefing. The notice will identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

If the notice is mailed and is returned by the post office with no forwarding address, a notice of denial (see Chapter 3) will be sent to the family's address of record.

Applicants, who fail to attend a scheduled briefing without notification, may be rescheduled if requested by the applicant in writing. MBHA will notify the family of the date and time of the second scheduled briefing. Applicants who do not request to be rescheduled will be denied assistance (see Chapter 3). Applicants who fail to attend two scheduled briefings, without MBHA approval, will be denied assistance (see Chapter 3).

HCV applicants and/or participants who complete a last chance certification maybe required to attend an oral briefing. MBHA will terminate assistance for families who fail to attend without notification.

### **Oral Briefing [24 CFR 982.301(a)]**

Each briefing must provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside MBHA's jurisdiction;
- An explanation of how portability works. MBHA may not discourage the family from choosing to live anywhere in MBHA jurisdiction or outside MBHA jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;
- MBHA must inform the family of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance;
- The advantages of areas that do not have a high concentration of low-income families;
- For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

## **Briefing Packet [24 CFR 982.301(b)]**

Documents and information provided in the briefing packet must include the following:

- The term of the voucher, voucher suspensions, and MBHA's policies on any extensions of the term. If MBHA allows extensions, the packet must explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how MBHA determines the payment standard for a family, how MBHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how MBHA determines the maximum allowable rent for an assisted unit.
- Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family's assistance
- The HUD-required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy.
- A statement of MBHA policy on providing information about families to prospective owners.
- MBHA subsidy standards including when and how exceptions are made.
- Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.
- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.
- A list of landlords known to MBHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to MBHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.
- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to MBHA.
- The family obligations under the program.
- The grounds on which MBHA may terminate assistance for a participant family because of family action or failure to act.
- MBHA informal hearing procedures including when MBHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- An explanation of the advantages of moving to an area that does not have a high concentration of low-income families.



If MBHA is located in a metropolitan area, the following additional information must be included in the briefing packet in order to receive full points under SEMAP Indicator 7, Expanding Housing Opportunities [24 CFR 985.3(g)].

- Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction.
- Information about the characteristics of these areas including job opportunities, schools, transportation and other services.
- An explanation of how portability works, including a list of portability contact persons for neighboring MBHA including names, addresses, and telephone numbers.

### **Additional Items to be Included in the Briefing Packet**

In addition to items required by the regulations, MBHA may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7].

#### MBHA Policy

MBHA will provide the following additional materials in the briefing packet:

The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*

Information on how to fill out and file a housing discrimination complaint form.

The form HUD-5380 domestic violence certification form and the form HUD-5382 notice of occupancy rights, which contains information on VAWA protections for victims of domestic violence, dating violence, sexual assault, and stalking

HUD-52675 Debts Owed To Public Housing Agencies and Terminations

“Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse

“What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

## **5-I.C. FAMILY OBLIGATIONS**

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. MBHA must inform families of these obligations during the oral briefing, and the same information must be included in the briefing packet. When the family's unit is approved and the HAP contract is executed, the family must meet those obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

### **Time Frames for Reporting Changes Required By Family Obligations**

#### MBHA Policy

Unless otherwise noted below, when family obligations require the family to respond to a request or notify MBHA of a change, notifying MBHA of the request or change within 14 calendar days is considered prompt notice.

When a family is required to provide notice to MBHA, the notice must be in writing.

### **Family Obligations [24 CFR 982.551]**

The family obligations of the voucher are listed as follows:

- The family must supply any information that MBHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by MBHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.
- The family must allow MBHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.

- The family must not commit any serious or repeated violation of the lease.

MBHA Policy

MBHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

*Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

- The family must notify MBHA and the owner before moving out of the unit or terminating the lease.

MBHA Policy

The family must comply with lease requirements regarding written notice to the owner. The family must provide a 30-day written notice of their intent to vacate to the owner. The owner must sign the notice and family must provide a copy to MBHA.

MBHA will advise the client they should complete a move out inspection with the owner, turn in the keys to the unit and not leave any damages to the unit over and above normal wear and tear.

- The family must promptly (within 10 business days) give MBHA a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- The composition of the assisted family residing in the unit must be approved by MBHA. The family must promptly (within 10 business days) notify MBHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request MBHA approval to add any other family member as an occupant of the unit.

MBHA Policy

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. MBHA will determine eligibility of the new member in accordance with the policies in Chapter 3.

- The family must promptly within (10 business days) notify MBHA in writing if any family member no longer lives in the unit.

- If MBHA has given approval, a foster child or a live-in aide may reside in the unit. MBHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when MBHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).
- The family must not sublease the unit, assign the lease, or transfer the unit.

MBHA Policy

Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

- The family must supply any information requested by MBHA to verify that the family is living in the unit or information related to family absence from the unit.

- The family must promptly notify MBHA when the family is absent from the unit.

#### MBHA Policy

Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 14 calendar days. Written notice must be provided to MBHA at the start of the extended absence and approved by the Executive Director.

- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [**Form HUD-52646, Voucher**].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and MBHA policies related to drug-related and violent criminal activity.
- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and MBHA policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless MBHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [**Form HUD-52646, Voucher**]

## **PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE**

### **5-II.A. OVERVIEW**

MBHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. MBHA must also establish policies related to the issuance of the voucher, to the voucher term, and to any extensions of the voucher term.

### **5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]**

For each family, MBHA determines the appropriate number of bedrooms under MBHA subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when MBHA determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Foster adults and children will not be required to share a bedroom with family members.
- Any live-in aide (approved by MBHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;

- Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under MBHA subsidy standards.

MBHA Policy

MBHA will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses,) will be allocated separate bedrooms.

Live-in aides will be allocated a separate bedroom.

Single person families will be allocated one bedroom.

Children of the same sex will be expected to share a bedroom.

MBHA will reference the following chart in determining the appropriate voucher size for a family:

<b>Voucher Size</b>	<b>Persons in Household (Minimum – Maximum)</b>
1 Bedroom	1-2
2 Bedrooms	2-4
3 Bedrooms	3-6
4 Bedrooms	4-8
5 Bedrooms	5-10

## 5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS

In determining family unit size for a particular family, MBHA may grant an exception to its established subsidy standards if MBHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances [24 CFR 982.402(b)(8)]. Reasons may include, but are not limited to:

- A need for an additional bedroom for medical equipment
- A need for a separate bedroom for reasons related to a family member's disability, medical or health condition

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom [24 CFR 982.402(b)(8)].

### MBHA Policy

MBHA will consider granting an exception for any of the reasons specified in the regulation: the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known. The family's continued need for an additional bedroom due to special medical equipment must be re-verified at annual reexamination.

MBHA will notify the family of its determination within 14 calendar days of receiving the family's request. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

## **5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]**

When a family is selected from the waiting list (or as a special admission as described in Chapter 4), or when a participant family wants to move to another unit, MBHA issues a Housing Choice Voucher, form **HUD-52646**. This chapter deals only with voucher issuance for applicants. For voucher issuance associated with moves of program participants, please refer to Chapter 10.

The voucher is the family's authorization to search for housing. It specifies the unit size for which the family qualifies, and includes both the date of voucher issuance and date of expiration. It contains a brief description of how the program works and explains the family obligations under the program. The voucher is evidence that MBHA has determined the family to be eligible for the program, and that MBHA expects to have money available to subsidize the family if the family finds an approvable unit. However, MBHA does not have any liability to any party by issuance of the voucher, and the voucher does not give the family any right to participate in MBHA's housing choice voucher program [**Voucher, form HUD-52646**]

A voucher can be issued to an applicant family only after MBHA has determined that the family is eligible for the program based on verification of information received within the 60 days prior to issuance [**24 CFR 982.201(e)**] and after the family has attended an oral briefing [**HCV 8-1**].

### MBHA Policy

Vouchers will be issued to eligible applicants immediately following the mandatory briefing.

MBHA should have sufficient funds to house an applicant before issuing a voucher. If funds are insufficient to house the family at the top of the waiting list, MBHA must wait until it has adequate funds before it calls another family from the list [**HCV GB p. 8-10**].

### MBHA Policy

Prior to issuing any vouchers, MBHA will determine whether it has sufficient funding in accordance with the policies in Part VIII of Chapter 16.

If MBHA determines that there is insufficient funding after a voucher has been issued, MBHA may rescind the voucher and place the affected family back on the waiting list.

## **5-II.E. VOUCHER TERM, AND EXTENSIONS**

### **Voucher Term [24 CFR 982.303]**

The initial term of a voucher must be at least 60 calendar days. The initial term must be stated on the voucher [24 CFR 982.303(a)].

#### MBHA Policy

The initial voucher term will be 60 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 60-day period unless MBHA grants an extension.

### **Extensions of Voucher Term [24 CFR 982.303(b)]**

MBHA has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. There is no limit on the number of extensions that MBHA can approve. Discretionary policies related to extension and expiration of search time must be described in MBHA's administrative plan [24 CFR 982.54].

MBHA must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

If the applicant refuses the voucher offer at anytime after being selected from the waiting list, but request their application to remain active, they will be returned to the waiting list with a sequence date and time of the date of their written request.

The family must be notified in writing of MBHA's decision to approve or deny an extension. MBHA's decision to deny a request for an extension of the voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

#### MBHA Policy

The Housing Authority may grant one or more extensions of the term, but the initial term plus any extensions will not exceed 120 calendar days from the initial date of issuance without an extraordinary reason. To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request. A sample extension request form and a form for recording their search efforts will be made available upon request by the family. If the family documents their efforts and additional time can reasonably be expected to result in success, the Housing Authority may grant an extension of up to 30 calendar days, not to exceed 120 calendar days from the initial date of issuance.

If the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension allowing the family the additional 30 days search time. If the Housing Authority determines that additional search time would be a reasonable accommodation, it will grant the additional search time.

MBHA will decide whether to approve or deny an extension request within 14 calendar days of the date the request is received, and will immediately provide the family written notice of its decision.

### **Suspensions of Voucher Term [24 CFR 982.303(c)]**

MBHA must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for MBHA approval of the tenancy until the date MBHA notifies the family in writing whether the request has been approved or denied

### **Expiration of Voucher Term**

Once a family's housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program. If the family still wishes to receive assistance, MBHA may require that the family reapply, or may place the family on the waiting list with a new application date but without requiring reapplication. Such a family does not become ineligible for the program on the grounds that it was unable to locate a unit before the voucher expired [**HCV GB p. 8-13**].

#### MBHA Policy

If an applicant family's voucher term or extension expires before has approved a Tenancy, MBHA will require the family to reapply for assistance.

Within 14 calendar days after the expiration of the voucher term or any extension, MBHA will notify the family in writing that the voucher term has expired and that the family must reapply in order to be placed on the pre-application waiting list.