

**HOUSING AUTHORITY OF NEW ORLEANS  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 18, 2012**

**RESOLUTION NO. 2012-38**

**WHEREAS**, HANO operates a Housing Choice Voucher Program (HCVP) pursuant to the U.S. Housing Act of 1937 as amended by the Housing and Community Development Act of 1974 and 1987; and

**WHEREAS**, HANO has chosen to operate a Project-Based Voucher (PBV) Program which permits HANO to commit up to twenty percent (20%) of its Housing Choice Voucher funding for PBV assistance; and

**WHEREAS**, Participants of the PBV program are required to be referred from HANO's HCVP wait list pursuant to its Administrative Plan ; and

**WHEREAS**, HANO is required to establish, implement and periodically update an Administrative Plan applicable to the Housing Choice Voucher Program which reflects HUD requirements and regulations and HANO discretionary policies; and

**WHEREAS**, HANO wishes to establish site-based waiting lists for PBV assisted projects; and

**THEREFORE BE IT RESOLVED**, that HANO's HCVP Administrative Plan be so amended and authorization be provided to the Administrative Receiver or his designee to take any and all other necessary action to implement said amendment.

**Executed this 18th day of September, 2012.**

**APPROVAL:**



**DAVID GILMORE  
ADMINISTRATIVE RECEIVER  
CHAIRMAN, BOARD OF COMMISSIONERS**



September 18, 2012

**MEMORANDUM**

**To: David Gilmore  
Administrative Receiver  
Chairman, Board of Commissioners**

**From: Tony Ucciferri, Director  
Housing Choice Voucher Program**

**Re: Amendments to HANO HCVP Administrative Plan: PBV Site-Based Wait Lists**

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This resolution requests approval of amendment to the Housing Authority of New Orleans (HANO) Housing Choice Voucher Program (HCVP) Administrative Plan to establish site-based wait lists for the Project-Based Voucher Program (PBV) under the Housing Choice Voucher Program.

The PBV program makes it possible for owners to partner with HANO to secure fifteen year Housing Assistance Payments (HAP) Contracts on units that are either existing, in need of renovation or are being newly constructed. The contract ensures that the owner will maintain the units as affordable and available to families on the Section 8 waiting list for the duration of the contract term.

Current policy is that HANO uses the HCVP tenant-based wait list to make referrals to PBV owners who have vacancies at their properties. This practice requires that HANO send notification to families each time vacancies arise and find families who would consider jumping to the top of the list to live in a PBV unit. Doing so would require that they live in the unit for the duration of the lease term before they can be considered for tenant-based rental assistance.

In actuality, this referral process takes a considerable amount of time since families must be reached out to in the order they appear on the wait list and results in significant delays in the re-occupancy of a vacated PBV unit in the attempt to find an interested family. This process can result in lost revenue to the owner who may have related financial commitments tied to the property's funding structure and revenue stream that are jeopardized as a result of the delays in leasing up vacant units.

Establishment of site-based wait lists will ensure that only households interested in living at the specific property are on the wait list and the leasing delays would be eliminated. Families on the current tenant-based HCVP waiting list would be given the first right to be on any and all site-based PBV wait lists. Thereafter, interested applicants would be added to the end of the wait list for future consideration.

When vacancies are imminent or existing, the owner shall select the applicant at the top of the list to offer them a unit at the property. If the family rejects the offer, they will be removed from that property's site-based wait list. However, pursuant to HUD regulations, removal from the site-based wait list or rejection of a PBV housing opportunity will in no way affect the family's status on the HCVP tenant-based wait list.

Approval is requested to amend the HANO HCVP Administrative Plan to adopt site-based wait lists for PBV projects.

## Eligibility for PBV Assistance

24 CFR 983.251(a)(b)

HANO may select families for the PBV program from those who are participants in HANO's tenant-based voucher program, and from those who have applied for admission to the voucher program and from HANO's PBV Site-Based Wait List.

For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and HANO, have income at or below eligible income limits, and qualify on the basis of citizenship or the eligible immigration status of family members. In addition, an applicant family must provide social security information for family members and consent to HANO's collection and use of family information regarding income, expenses, and family composition. An applicant family must also meet HANO's requirements related to current or past criminal activity.

HANO will determine an applicant family's eligibility for the PBV program in accordance with the policies in the chapter on Eligibility.

## In-Place Families

24 CFR 983.251(b)

An eligible family residing in a proposed PBV contract unit on the date a proposal is selected by HANO is considered an "in-place family." These families are afforded protection from displacement. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family will be placed on HANO's wait list. If the family's continued eligibility for PBV assistance is determined (HANO may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family will be given an absolute selection preference and HANO will refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

## PBV WAIT LIST

### Organization of the Wait List

24 CFR 983.251(c)

HANO shall use the HCVP wait list for PBV assistance until such a time as a PBV Site-Based waiting list the same wait list for both tenant-based and is established for a PBV property. Thereafter, PBV assistance. With HANO's prior approval, an owner may elect to receive referrals from HANO's wait list or to HANO shall use a the PBV site-based wait list for selection of tenants for that property, a site.

All HCVP waiting list applicants will be given the first opportunity to be placed on the individual PBV site-based wait lists. Thereafter, the PBV site-based wait lists shall remain open so that any applicant interested in PBV assistance can be added to the wait list behind the HCVP applicants who indicated an interest in the individual PBV properties.

HANO shall establish and manage the site-based waiting lists for the specific projects that are receiving PBV assistance. Each project must have its own PBV site-based wait list even if the owner of record for multiple properties is the same.

### **Selection from the Wait List**

24 CFR 983.251(c)(6)

Applicants who will occupy units with PBV assistance must be selected from HANO's wait lists. HANO may place families referred by the owner onto the PBV site-based waiting list. HANO may establish selection criteria or preferences for occupancy of particular PBV units. At least 75 percent of the families admitted to HANO's tenant-based and project-based voucher programs during HANO's fiscal year from the wait list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

### **Units with Accessibility Features**

24 CFR 983.251(c)(7)

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, HANO and/or owners must first refer families who require such features to the owner.

### **Preferences**

24 CFR 983.251(d), FR Notice 11/24/08

HANO may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. HANO will provide an absolute selection preference for eligible in-place families as described above.

Although HANO is prohibited from granting preferences to persons with a specific disability, HANO may give preference to disabled families who need services offered at a particular project or site if the preference is limited to families (including individuals):

- With disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and
- For whom such services cannot be provided in a non-segregated setting.

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

If HANO has projects with more than 25 percent of the units receiving project-based assistance because those projects include "excepted units" (units specifically made available for elderly or disabled families, or families receiving supportive services), HANO will give preference to such families when referring families to these units [24 CFR 983.261(b)].

### **OFFER OF PBV ASSISTANCE**

24 CFR 983.251(e)(3)

If a family refuses HANO's offer of PBV assistance, such refusal does not affect the family's position on the wait list for tenant-based assistance.

HANO is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the wait list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant's place on the wait list based on preference, date, and time of application, or other factors affecting selection under HANO's selection policy;
- Remove the applicant from the tenant-based voucher wait list.

HANO shall remove an applicant from the PBV site-based wait list of a project when the applicant refuses an offer of housing at the specific site. At its discretion, HANO may consider exceptions for situations where the family is forced to refuse an offer of PBV housing due to a family, medical or legal obstacle. If an exception is granted, the family will remain at the top of the PBV site-based wait list until they are prepared to accept the offer of PBV housing assistance.

### **Disapproval by Landlord**

24 CFR 983.251(e)(2)

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on HANO tenant-based voucher wait list.

### **FAMILY BRIEFING**

24 CFR 983.252

When a family accepts an offer for PBV assistance, HANO will give the family a verbal briefing. The briefing may include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, HANO will provide a briefing packet that explains how HANO determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

### **Persons with Disabilities**

If an applicant family's head or spouse is disabled, HANO, in accordance with 24 CFR 8.6, conduct an oral briefing and provide a written information packet as applicable. This may include making alternative formats available. In addition, HANO will have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

### **Persons with Limited English Proficiency**

HANO will take reasonable steps to assure access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166.

### **OWNER SELECTION OF TENANTS**

24 CFR 983.253(b)

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection.

## **Leasing**

24 CFR 983.253(a)

During the term of the HAP contract, the owner must lease contract units to eligible families that have been deemed eligible by HANO. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on HANO's subsidy standards.

## **Filling Vacancies**

24 CFR 983.254(a)

The owner must promptly notify HANO of any vacancy or expected vacancy in a contract unit. After receiving such notice, HANO will make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. HANO and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy. If the project has an established PBV site-based wait list, the owner shall select up to the next five (5) families at the top of the wait list for PBV assistance consideration. If the owner does not approve the family, the family will be given written notice as to why they rejected the family and select the next family at the top of the site-based waiting list. It should be noted that the family at the top of the wait list may not necessarily be the family selected for the vacancy due to eligibility readiness. Families who are accepted for tenancy but do not have a vacant unit, shall remain at the top of the site-based wait list until a suitable vacancy opens up and referred to HANO for Eligibility determination and leasing.

The owner shall maintain records of all wait list outreach, offers of housing, reasons for rejections and other information deemed necessary by HANO. These records must be made available to HANO or its representative within 24 hours notice.

## **Reduction in HAP Contract Units Due to Vacancies**

24 CFR 983.254(b)

If any contract units have been vacant for 120 or more days since owner notice of the vacancy, HANO may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (according to the bedroom size) that have been vacant for this period.

## **TENANT SCREENING**

24 CFR 983.255

### **HANO Responsibility**

HANO is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy. However, HANO may opt to screen applicants for family behavior or suitability for tenancy and may deny applicants based on such screening. HANO will not conduct screening to determine a PBV applicant family's suitability for tenancy.

HANO will provide the owner with an applicant family's current and prior address (as shown in HANO records) and the name and address (if known by HANO) of the family's current landlord and any prior landlords.

In addition, HANO may offer the owner other information HANO may have about a family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members. HANO will provide applicant families a description of HANO policy on providing information to owners, and HANO will give the same types of information to all owners.

### **Owner Responsibility**

**WALK-ON ITEM**  
**Resolution 2012-38**  
**September 18, 2012**