**Administrative Plan Changes/Updates**

**Effective October 1, 2024**

**Chapter 1- Overview**

**Page 1-2,** updated VSHA’s Mission

**Page 1-3**, added Special Purpose Voucher Programs- FYI, VASH, NED, Stability, EHV, Homeownership and FSS

**Page 1-12**, added applicable regulations per NMA template

**Chapter 2- Fair Housing**

**Page 2-1**, replaced the last sentence with the following per NMA template:

This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register.*

**Page 2-2**, Overview, added the following:

In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status.

* The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20
* Violence Against Women Act (VAWA)

**Page 2-3**, added the following:

The PHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12; Executive Order 13988]

Updated Non Discrimination section

**Page 2-4**, added the following:

* Subject anyone to sexual harassment

Updated Discrimination Complaints and Complaints under the Equal Access Final Rule sections and added VAWA Complaint Processing section

**Page 2-11, added the following:**

In the event that the PHA does receive confidential information about a person’s specific diagnosis, treatment, or the nature or severity of the disability, the PHA will dispose of it. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

**Page 2-12**, added the following:

If the PHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the PHA’s decision through an informal review (if applicable) or informal hearing (see Chapter 16).

**Page 2-13**, removed reference to TTY communication

**Page 2-14**, added the following:

* Notice PIH 2010-26

**Page 2-16**, updated the last sentence of the first paragraph as follows:

This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register.*

**Page 2-17**, updated the Oral Interpretation section

**Page 2-18**, finalize LEP Implementation Plan

**Chapter 3- Eligibility**

**Page 3-1,** added the following:

* Not currently be receiving a duplicative subsidy.
* Meet net asset and property ownership restriction requirements.

**Page 3-3,** added the following to the Family Breakup section:

In accordance with Notice PIH 2017-08, for HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers, when the veteran is the perpetrator of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the victim must continue to be assisted. Upon termination of the perpetrator’s HUD–VASH voucher, the victim should be given a regular HCV if one is available, and the perpetrator’s HUD–VASH voucher should be used to serve another eligible family. If a regular HCV is not available, the victim will continue to use the HUD–VASH voucher, which must be issued to another eligible family upon the voucher’s turnover.

**Page 3-5,** added the reference to “minors” and include the following definition:

A *minor* is a member of the family, other than the head of family or spouse, who is under 18 years of age.

**Page 3-7**, updated the Foster Children and Foster Adults section per NMA guidance

**Page 3-11**, updated the following:

The PHA will admit eligible low-income families:

* To housing projects assisted under the agency’s PBV program, provided no other eligible, extremely low or very low income family is on the waiting list for the subject property,
* Who otherwise qualify for rental assistance under the agency’s Disaster Preference, or
* Who have been referred for the agency’s VASH voucher program.

**Previous Page 3-14**, removed the following from the Social Security Numbers section to align with HUD guidance:

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

**Page 3-15**, added the following to incorporate the new HUD Release of Information form:

However, this does not apply if the applicant or participant, or any member of their family, revokes their consent with respect to the ability of the PHA to access financial records from financial institutions, unless the PHA establishes a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance [24 CFR 5.232(c)]

PHA Policy

The PHA has established a policy that revocation of consent to access financial records will result in denial of admission.

**Page 3-20**, added the EIV System Searches section to align with HUD guidance

**Page 3-23**, added language related to criminal background checks and screening to align with HUD guidance

**Page 3-25**, changed the definition of “Currently engaged” [ in the use of illegal drugs] from “any use of illegal drugs during the previous six months” to “any use of illegal drugs during the previous three months” to align with HUD guidance

**Page 3-25**, added the following to the *Restriction on Assistance Based on Assets* section to comply with HOTMA:

PHA Policy

The PHA has adopted a policy of total nonenforcement of the asset limitation for all program participants. The asset limitation only applies to initial eligibility determinations for new admissions to the program.

* Any member of the family fails to sign and submit consent forms for obtaining information.
* The family does not meet the restrictions on net assets and real property ownership as required by 24 CFR 5.618.

**Page 3-27**, added the following to the PHA Policy:

Criminal sexual conduct, including but not limited to sexual assault, open and gross lewdness, or child sexual abuse;

**Page 3-27**, Changed the look back period from seven years to three years and removed the following statements:

Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 7 years

A conviction for drug-related or violent criminal activity will be given more weight than an arrest for such activity.

Added the following:

PHAs are not permitted to deny assistance to a family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program [24 CFR 984.101(d)].

**Page 3-28,** added the following:

The PHA may consider admitting families who are actively participating in a written repayment agreement.

**Page 3-29**, added the following to align with HUD guidance:

While a PHA has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, PHAs may not use records for this purpose.

**Page 3-30**, added the following to align with HUD guidance:

When denying admission due to family debts as shown in HUD’s EIV system, the PHA will provide the family with a copy of the EIV Debt Owed to PHA and Termination report.

If the family wishes to dispute the information in the report, the family must contact the PHA that entered the information in EIV in writing, explaining why EIV information is disputed. The family must also provide a copy of the letter and all applicable verification to the PHA to support the family’s claim. The PHA will consider the information provided by the family prior to issuing a notice of denial.

**Page 3-35**, added VAWA language to align with HUD guidance.

**Chapter 4- Applications**

Updated the family response time from 10 to 15 business days throughout.

**Page 4-2**, update the last two paragraphs to include the use of a third-party vendor for waiting list management.

**Page 4-11**, added Emergency Housing Vouchers, Foster Youth to Independence, and Stability Vouchers.

**Page 4-12,** updated preference language to remove the Housing Instability Preference, add “from a Vermont home” to the Disaster Preference and expand the Move Up Preference to include “a state-funded, time-limited rental assistance program (such as Vermont Rental Subsidy).”

**Page 4-14**, updated the order of selection to change the ranking of preferences.

**Chapter 5- Briefings**

**Page 5-2**, added language around Remote Briefings and email correspondence.

**Page 5-4**, added the Accessibility Requirements for Persons with Disabilities and LEP Individuals section.

**Page 5-5**, added the following language to the Oral Briefing section:

“In briefing a family that includes a person with disabilities, PHA must also take steps to ensure effective communication.”

**Page 5-7**, added the following to the Briefing Packet section:

“An explanation of the advantages of moving to an area that does not have a high concentration of low-income families.”

**Page 5-8**, changed HQS to NSPIRE

**Page 5-13**, updated the PHA Policy on Determining Family Unit (Voucher) Size

Updated the family response time from 10 to 15 business days throughout.

**Chapter 6- Income and Subsidy Determinations**

Updated completely due to HOTMA changes

**Page 6-33**, increased the minimum threshold for *assets disposed of for less than fair market value* from $1,000 to $5,000.

**Page 6-60**, reduced the *Minimum Rent* from $50 to $0.

**Chapter 7- Verification**

Updated completely to incorporate new HUD Release form and HOTMA changes

**Chapter 8- NSPIRE**

Updated completely due to NSPIRE changes and contract with third-party vendor for Rent Reasonableness.

**Chapter 9- General Leasing Policies**

**Pages 9-1, 9-6, 9-12** all references to Housing Quality Standards (HQS) changed to reference National Standards for the Physical Inspection of Real Estate (NSPIRE)

**Page 9-9**, updated the PHA Policy as it relates to the Term of Assisted Tenancy as follows, “The PHA will approve an initial lease term of less than one (1) year, but not less than six (6) months, if doing so allows better access to housing.

Needs review

**Chapter 10- Moving**

**Page 10-2**, removed reference to HQS

**Page 10-6**, added the following:

**Zero HAP Families Who Wish to Move [24 CFR 982.455]**

A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. The PHA must issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if the PHA determines no subsidy would be paid at the new unit, the PHA may refuse to enter into a HAP contract on behalf of the family.

PHA Policy

If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, the PHA will not enter into a HAP contract on behalf of the family for the new unit.

**Page 10-7**, updated language around Portability per NMA guidance and added language around VAWA.

Beth and Bridget to review Port section

**Chapter 11- Reexaminations**

**Page 11-1**, added the following to the Introduction and Overview sections to comply with HOTMA:

Part IV: Non-Interim Reexamination Transaction. This part describes transactions that do not entail changes to the family’s adjusted income.

Unlike when performing an interim reexamination or at intake, at annual reexamination, the PHA must determine the income of the family for the previous 12-month period, except where the PHA uses a streamlined income determination. Income from assets, however, is always anticipated, irrespective of the income examination type [Notice PIH 2023-27]. PHAs also have the option of using a Safe Harbor income verification from another federal means-tested program to verify gross annual income. Chapter 7 contains the PHA’s policies related to streamlined income determinations and the use of Safe Harbor income verifications.

**Page 11-2**, deleted the Streamlined Annual Reexaminations section from the previous plan and updated the PHA Policy as it relates to the Notification of and Participation in the Annual Reexaminations Process section.

**Page 11-6**, added the Calculating Annual Income at Annual Reexamination section.

**Page 11-9**, updated the Overview section and added the Reporting section as follows:

**Page 11-10**, replaced the second paragraph with the following:

Although the PHA must verify aspects of program eligibility when any new family member is added, the Streamlining Final Rule removed the requirement that PHAs conduct a reexamination of income whenever a new family member is added. The PHA may state in policy that an income reexamination will be conducted.

**Page 11-12**, completely replaced the Changes Affecting Income or Expenses section to align with HOTMA

**Page 11-19**, added the following PHA Policy to the Notification of New Family Share and HAP Amount section:

PHA Policy

The notice to the family will include the annual and adjusted income amounts that were used to calculate the family share of the rent and the housing assistance payment.

The notice will state the family has the right to request an explanation of how the assistance was calculated and if the family disagrees, they have the right to informal hearing. The notice will include the procedures for requesting an informal hearing.

**Page 11-21**, added the Non-Interim Reexamination Transactions section to comply with HOTMA

**Page 11-22**, added Calculating Income at Annual Reexamination section to align with HOTMA

**Chapter 12- Termination**

**Page 12-2,** added email as an option for “in writing” notification.

Added “Judgement and Writ of Possession” to clarify the meaning of “legal eviction”

**Page 12-2,** changed the definition of “Currently engaged” [ in the use of illegal drugs] from “any use of illegal drugs during the previous six months” to “any use of illegal drugs during the previous three months” to align with HUD guidance.

**Page 12-7**, updated the lookback period on evictions from seven years to three years.

Removed the following, “Any PHA has ever terminated assistance under the program for any member of the family.”

**Page 12-8**, added the Asset Limitation section to comply with HOTMA.

**Page 12-11**, added the Use of Criminal Conviction Records after Admission per HUD guidance

**Page 12-13,** updated the VAWA Protections Against Termination section to include human trafficking and added the following language:

PHAs and owners may not coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA [FR Notice 1/4/23].

**Page 12-15**, added the following to the Terminating the Assistance of a Domestic Violence Perpetrator per HUD guidance:

If the perpetrator remains in the unit, the PHA continues to pay the owner until the PHA terminates the perpetrator from the program. The PHA must not stop paying HAP until 30 days after the owner bifurcates the lease to evict the perpetrator. The PHA may pay HAP for the full month if the 30-day period will end mid-month [Notice PIH 2017-08].

If the perpetrator is the only participant eligible to receive assistance, the PHA will provide any remaining participant a chance to establish eligibility for the program. If the remaining participant cannot do so, the PHA will provide them with 30 days to establish eligibility for another housing program prior to termination of the HAP contract.

**Page 12-19**, added the following to the Other Good Cause section per HUD guidance:

If a property is subject to foreclosure, during the term of the lease, the new owner of the property does not have good cause to terminate the tenant’s lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. See Section 13-II.G for a discussion of PHA policies relating to units in foreclosure.

**Chapter 13- Owners**

**Page 13-3,** added the following:

If the PHA will be conducting outreach events, the PHA must ensure that notices and communications during outreach events are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities. PHAs must also take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency.

and

To the extent practical, partnering with and attending events hosted by other area agencies to deliver information about the HCV program

**Throughout the Chapter**, changed inspection references from HQS to NSPIRE

**Page 13-7,** added the following:

* Complying with the Violence against Women Act (VAWA) when screening prospective HCV tenants or terminating the tenancy of an HCV family [see 24 CFR Part 5, Subpart L; 24 CFR 982.310(h)(4); 24 CFR 982.452(b)(1); and FR Notice 1/4/23]

**Page 13-8,** added the following to the Conflict of Interest section:

Such “covered individual” may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or for one year thereafter.

*Immediate family member* means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister, or brother (including a stepsister or stepbrother) of any covered individual.

**Page 13-10**, added the following:

Criminal sexual conduct, including but not limited to sexual assault, open and gross lewdness, or child sexual abuse

**Page 13-21,** added the Foreclosure section per HUD guidance

**Chapter 14- Program Integrity**

Complete update of format,

**Chapter 15- Special Housing**

Complete update to format, other changes outlined below.

Page 15-29, updated the inspection requirement from annual to every other year.

**Page 15-38**, added the following in accordance with HUD guidance:

Homeownership assistance for a family automatically terminates 180 calendar days after the last homeownership assistance payment on behalf of the family. However, a PHA may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

PHA Policy

In order for the PHA to consider granting relief from the requirement to automatically terminate homeownership assistance 180 days following the PHA’s last housing assistance payment on behalf of the family, the family must submit a written request to the PHA at least 30 days prior to the date of automatic termination. The request must include an explanation of the circumstances that will cause an extreme hardship for the family (e.g., the imminent loss of income or employment) as well as documentation supporting the request. The PHA will determine on a case-by-case basis whether to grant relief from the requirement and for what period of time. In no case will the PHA postpone termination beyond an additional 90 days.

**Chapter 16- Program Administration**

Required changes to align with HUD guidance, no substantial changes to discretionary policies

**Page 16-11 through 16-13,** added the Remoting Informal Reviews, Ensuring Accessibility for Persons with Disabilities and LEP Individuals and Conducting Remote Informal Reviews sections.

**Page 16-15 through 16-17**, added the Remote Informal Hearings, Ensuring Accessibility for Persons with Disabilities and LEP Individuals, and Conducting Informal Hearings Remotely sections.

**Page 16-20**, updated the Pre-Hearing Right to Discovery section to incorporate remote informal hearings and electronic communication.

**Page 16-24,** changed the title of the PHA Notice of Final Decision section to Effect of Final Decision.

**Page 16-40, added the following to align with HUD guidance:**

The PHA must keep confidential records of all emergency transfer requested by victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking under the PHA’s Emergency Transfer Plan, as well as the outcomes of such requests, and retain the records for a period of three years [see 24 CFR 5.2002(e)(12)].

If an informal hearing to establish a family’s citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 16-III.D., Retention of Documents.

**Page 16-44,** updated the VAWA Notification, Documentation, Confidentiality section as required.

**Chapter 17- PBV**

**Chapter 18- Special Purpose Vouchers**

Brand new chapter.