

**0770-01-05-.35 EMERGENCY HOUSING VOUCHER (EHV) OPTION (American Rescue Plan Act of 2021, H.R. 1319, 117<sup>th</sup> Cong. (2021)).** The American Rescue Plan Act of 2021 (“the ARP”) provides relief to address the continued impact of the COVID-19 pandemic. Section 3202 of the ARP appropriates funds for the cost of administering the Emergency Housing Voucher (EHV) to address homelessness. HUD allocated approximately 70,000 EHV to public housing agencies (PHAs). THDA will administer the EHV program, in compliance with PIH Notice 2021-15, Federal Regulations, and this Administrative Plan. Funding expires September 30, 2023. After September 30, 2023, a PHA may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended. THDA reserves the right to continue administration of the EHV, dependent on available and adequate HUD funding.

- (1) Eligibility Requirements. An EHV family wishing to utilize the voucher, must meet the following initial eligibility requirements:
  - (a) Referral from an area Tennessee Continuum of Care (CoC), serving a county within THDA’s Housing Choice Voucher Program jurisdiction. An applicant shall be referred to the EHV Program by an area Tennessee CoC, which is a regional or local planning body that coordinates housing and services funding for homeless families and individuals, primarily using funding received through U.S. Department of Housing and Urban Development (HUD). The referring agent or partner must be a member of the identified Tennessee CoC.
    1. Partner Agencies. To ensure that the EHV’s assist families who are most in need, the THDA has partnered with area Tennessee CoCs to determine the best use and targeting for the vouchers along with other resources available in the community. The CoC is organized to carry out the responsibilities required under HUD’s CoC program and is composed of representatives of organizations, including nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons to the extent these groups are represented within the geographic area and are available to participate. In particular, the THDA has partnered with Chattanooga-Southeast TN CoC, Central Tennessee CoC, Upper Cumberland CoC, Jackson/West Tennessee CoC, and Tennessee Valley CoC, who services the counties in its jurisdiction.
    2. Waiting list. The THDA will maintain a separate waiting list, for EHV referrals and applicants, from the HCV waiting list. HUD has waived 24 C.F.R. 982.206, which requires the PHA to give public notice when opening and closing the waiting list. The THDA will work directly with its CoCs and other referral agency partners to manage the number of referrals and the size of the EHV waiting list. Priority preference will be given to rapid re-housing participants, currently working with partnering CoCs.
  - (b) An applicant must meet one of the four eligibility categories, which shall be verified by the referring CoC or other partnering agency and supported by documentation and provided to the THDA:
    1. Homeless, which is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)) and is codified in HUD’s Continuum of Care Program regulations at 24 CFR 578.3;
    2. At risk of homelessness, which is defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)) and is codified in HUD’s Continuum of Care Program regulations at 24 CFR 578.3;

3. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, including cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90-day period preceding the date of the request for transfer; See 0770-01-05-.30(6)(a).
  4. Recently homeless and who providing rental assistance will prevent the family's homelessness or having high risk of housing instability, which is defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.
- (c) All applicants must meet HUD's, as well as the THDA's, criteria for eligibility determinations. 24 C.F.R. 982.201 outlines that only eligible families may be admitted to the HCV Program. The THDA applies the requisite eligibility factors of Family Composition (see 0770-01-05-.11), Income Limits (see 0770-01-05-.12), Citizenship (see 0770-01-05-.13), Social Security Number Provision (see 0770-01-05-.14), Student Status (see 0770-01-05-.15), and Other Eligibility Criteria (see 0770-01-05-.16) in determining an applicant or participant's eligibility for the HCV Program.
1. Income Verification at Admissions. Income Verifications will be the same as those set by the HCV Program. See 0770-01-05.18(2)(c).
  2. EIV Data. The THDA must review the EIV Income and Income Validation Tool (IVT) Reports to confirm/validate family-reported income within 90 days of the PIC-NG 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.
  3. Social Security Number (SSN) and Citizenship Verification. HUD is waiving the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the THDA 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, assistance may not be delayed, denied, reduced or terminated on the basis of immigration status pending the completion of the appeal.
  4. Date of Birth and Disability Verification. The THDA 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 THDA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.
  5. Income Targeting. The regular HCV Program process in determining income eligibility will be utilized for the EHV. See 0770-01-05-.12. However, the income

targeting requirements are waived and do not apply to EHV families. The THDA may not deny admission to a family with zero income and must consider hardship circumstances before charging a minimum rent.

6. Other Eligibility Requirements and Denial of Assistance (24 C.F.R. 982.522 and 24 C.F.R. 982.553). Unless otherwise noted, the grounds under which THDA may deny an applicant admission to the program will follow the same grounds as those set by the HCV Program. See 0770-01-05.16.

(i) Specifically, under the EHV Program, the THDA may not deny admission based on the following:

1. Eviction from Public Housing. Any member of the family has been evicted from federally assisted housing in the last five years.
2. Violation of Family Obligations. A PHA has ever terminated assistance under the program for any member of the family.
3. Outstanding Debt to a PHA. 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.
4. Breach of Repayment Agreement to a PHA. The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
5. Abuse of Alcohol. The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with 24 C.F.R. 982.553(a)(3).
6. Prior Criminal History. The THDA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

(ii) If the application for assistance is denied, the THDA will send a notice of denial and a notice of opportunity for informal review. See 0770-01-05-.28(3).

- (2) Lease-Up Process. Unless otherwise noted, the lease-up process will follow the same process as those set by the HCV Program. See 0770-01-05.22.

(a) Housing Choice Voucher Term. The THDA follows the procedures outlined below when issuing vouchers, setting terms of vouchers, and assisting families in selecting units.

1. In accordance with HUD's waiver of 24 C.F.R. 982.303(a), a voucher is issued for an initial term of one-hundred twenty (120) days to allow the household time to search for a unit. The HCV software system will be utilized to print vouchers, and the voucher term will begin on the date the voucher is issued.

## 2. Extension and Suspension of Voucher Search Term.

- (i) If the household does not find a unit within the 120-day voucher search term, then the household may request extension of the voucher in 30-day increments, but only if they can clearly illustrate that they have actively searched, but have been unable to find a unit eligible for the HCV Program.
  - (ii) Approval of any extension must be by the Director of the HCV Program or the assigned designee.
  - (iii) The total voucher search term may not exceed 150 days.
  - (iv) Once a Request for Tenancy Approval (RTA) is received by the THDA, the voucher term is suspended until that RTA is either approved or denied.
- (3) Utility Allowance (24 C.F.R. 982.153). The regular HCV Program utility allowance will be utilized for the EHV. See 0770-01-05-.22(2)(b)2.
- (4) Subsidy Standards. Subsidy standards will be the same as those set by the HCV Program. See 0770-01-05-.22(2)(b)6.
- (5) Rent Reasonableness (24 C.F.R. 982.503). The THDA follows the procedures outlined above when determining rent reasonableness. See 0770-01-05-.22(2)(b)7.
- (6) Services Fee. THDA is allocated a one-time services fee, per allocated EHV, to support its efforts in implementing and operating an effective EHV services program. The services fee is not tied to each voucher but instead is the combined total of services fees available to the THDA to design a menu of services that will best address the leasing challenges faced by EHV eligible families. Eligible families will receive an estimated service fee based on need. The CoC or Partner Agent will be reimbursed for service fees paid on behalf of the eligible family. The THDA will provide the following menu of services:
- (a) Housing Search Assistance.
    - 1. Assist families identify and visit potentially available units during their housing search.
    - 2. Transportation. Provide transportation costs to assist families with their housing search.
    - 3. Housing Locator. Provide access to housing locator, TNHousingSearch.org, to locate potential available units.
    - 4. Assist with the completion of rental applications and THDA forms.
  - (b) Security Deposit/Utility Deposit/Rental Application.
    - 1. Security Deposit Assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The EHV family must return the security deposit assistance to the THDA at the end of the family's tenancy, less any amounts retained by the owner in accordance with the lease. Security deposit assistance returned to the THDA must be used for either services fee for eligible uses or other EHV administrative costs.

2. Utility Assistance.

- (i) The THDA will provide utility deposit assistance, including connection fees, required for the utilities to be supplied by the EHV family under the lease. The EHV family must return the utility deposit assistance to the THDA at such time the deposit is returned by the utility company, less any amounts retained by the utility company.
- (ii) The THDA will provide utility arrears assistance to pay utility arrears to establish services for tenant-supplied utilities. This shall include a one-time payment up to 2 (two) months, including any late fees on those arrears in gas, electric, water, sewer, or trash.

3. Rental application fee. Assistance with completing rental application forms and rental application fees, not to exceed \$150 (one-hundred fifty dollars).

(c) Owner-Related Uses.

- 1. Landlord recruitment. THDA will work with its housing locator vendor to increase landlord participation to serve EHV families.
- 2. Landlord incentive. To remove barriers of locating housing, THDA will provide a one-time flat rate single payment to landlords, regardless of number of assisted units, to assist families with acquiring housing.
- 3. Damages to the unit. In cases where unpaid damages serve as a barrier to THDA families accessing affordable housing, THDA will provide a single payment at a maximum rate.

(d) Other Eligible Uses.

- 1. Reimbursement for tenant-readiness services. The THDA may use the services fee funding to help create customized plans to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative rental or utility history or to connect the family to other community resources that can assist with rental arrears.
  - 2. Reimbursement for renters' insurance. If required under the lease, the THDA will provide assistance for renters' insurance, at a flat rate annual schedule.
- (7) Housing Quality Standards (HQS) Inspection. The THDA will conduct all HQS inspections according to the HUD guidelines and as outlined by the HCV Program. See 0770-01-05-.23.
- (8) Portability (24 CFR 982.354). Unless otherwise noted, the portability process will follow the same process as those set by the HCV Program. See 0770-01-05.25(2).
- (a) In accordance with HUD's waiver of 24 C.F.R. 982.353(c), if a non-resident applicant, the THDA may not restrict an EHV family from exercising portability. EHV families may immediately move under portability.
  - (b) A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA does or does not currently administer EHV's under its own ACC.

- (c) A receiving PHA may only absorb the incoming EHV family with an EHV. If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
  - (d) Regardless of whether the receiving PHA absorbs or administers the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.
  - (e) If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.
  - (f) If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family, to ensure there is no duplication of EHV 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.
- (9) Termination of Assistance. The EHV Operating Requirements do not specify that PHAs must treat EHV participants any differently than regular HCV participants. Therefore, the termination policies outlined within this Administrative Plan apply. See 0770-01-05.27.
- (10) Informal Hearing Process (24 CFR 982.555). When the THDA makes certain adverse decisions towards an EHV applicant or participant, there are times when an informal review or an informal hearing is available. See §0770-01-05-.28.

**Authority:** T.C.A. §§ 13-23-104, 13-23-115(18), 42 U.S.C. §§ 1437, and 24 C.F.R., Part 982.

**Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004. Repeal and new rule filed June 4, 2015; effective September 2, 2015. Amendments filed October 5, 2018; effective January 3, 2019, \_\_\_\_\_