



Board of Commissioners Special Meeting

Wednesday, January 15, 2020 at 9:00AM

LOCATION:

Housing Authority of Travis County
502 E. Highland Mall Blvd., Suite 106B
Austin, Texas 78752

**BOARD OF
COMMISSIONERS**

Eddie Karam
Chairperson

Robbye Meyer
Vice Chairperson

John Hernandez
Commissioner

Ann Denton
Commissioner

Wilmer Roberts
Commissioner

Patrick Howard
CEO/Executive Director

502 E. Highland Mall
Blvd., Suite 106-B
Austin, Texas 78752

OFFICE: 512- 854-8245

www.hatctx.com

**Board of Commissioners Special Meeting
Wednesday, January 15, 2020 at 9:00AM**

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"The Housing Authority of Travis County, Texas, preserves and develops affordable housing and vibrant communities which enhance the quality of life for all."

January 15, 2020
9:00 A.M.

- I. Call to Order**
- II. Roll Call / Confirmation of Quorum**
- III. Pledge of Allegiance**

MISSION STATEMENT: The Housing Authority of Travis County, Texas, preserves and develops affordable housing and vibrant communities which enhance the quality of life for all.

IV. CONSENT AGENDA

- A. Approval of the Minutes Annual Meeting from January 9, 2020

V. PUBLIC FORUM / CITIZEN COMMUNICATION

- *Anyone desiring to discuss or comment on items directly related to the HATC is always welcome.*
- *If the item is deemed related to an Agenda item at the current meeting, the presiding officer will inform the citizen that pending action(s) remain.*
- *Speakers must sign-in prior to the start of the Board Meeting on the appropriate form.*
- *Maximum three-minute limit per speaker.*

VI. ACTION ITEMS

A. Resolution No. HATC-2020-03 <i>Christina Montes</i>	To <u>Amend</u> the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by adding a preference for non-elderly, disabled persons who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or at risk of experiencing homelessness.
B. Resolution No. HATC-2020-04 <i>Christina Montes</i>	To <u>Amend</u> the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by including the Mainstream Voucher Program (MVP) under Targeted Funding.

VII. EXECUTIVE SESSION

- *The Board of Commissioners may consider any item posted on the Agenda in Executive Session if there are issues that require consideration, and the Board of Commissioners announce that the item will be considered during such time in accordance with one or more of the following:*
 - *Texas Government Code Annotated 551.071, Consulting with Attorney*
 - *Texas Government Code Annotated 551.072, Real Property*
 - *Texas Government Code Annotated 551.074, Personnel Matters*
 - *Texas Government Code Annotated 551.076, Security*
 - *Texas Government Code Annotated 551.087, Economic Development Negotiations*

VIII. ADJOURNMENT



Meeting Minutes

IV.A. Minutes from January 9, 2020 Annual Board Meeting

**HOUSING AUTHORITY OF TRAVIS COUNTY
BOARD OF COMMISSIONERS
ANNUAL MEETING MINUTES
502 East Highland Mall Blvd., Suite 106-B
Austin, Texas 78752
January 9, 2020
9:00 a.m.**

MINUTES

The Board of Commissioners of the Housing Authority of Travis County, Texas, met for its Annual Board Meeting located at 502 East Highland Mall Blvd., 106-B Austin, Texas 78752 on the above date.

I. CALL TO ORDER

The Annual Board Meeting was called to order at 9:05 a.m. by Chairperson Ann Denton.

II. ATTENDANCE / CONFIRMATION OF QUORUM

Roll call was taken for the Board of Commissioners to document who was present and absent. Also listed are the Staff and Guest(s) that were present:

Present: Chairperson Ann Denton
Vice-Chairperson Wilmer Roberts
Commissioner John Hernandez
Commissioner Robbye Meyer

CEO / Executive Director Patrick Howard
Executive Assistant Shenika Howard
Director of Affordable Housing Programs Barry Hall
Director of Voucher Programs and Homeless Initiatives Christina Montes
Director of Finance Subra Narayanaier
Director of Real Estate Development Robert Onion
Asset Manager Keith Hoffpaur
Sr. Administrative Assistant Debbie Honeycutt
Ronnie Slone (The Slone Group)
Diane Jackson (The Slone Group)

Absent: Commissioner Eddie Karam

CEO / Executive Director Patrick Howard certified the quorum.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. CONSENT AGENDA

Chairperson Ann Denton presented the Consent Agenda, which included approval of the minutes for the Regular Board Meeting of September 24, 2019; the Regular Board Meeting of November 21, 2019; and the Regular Board Meeting of December 5, 2019.

Commissioner John Hernandez motioned to approve the Consent Agenda and the motion was then seconded by Commissioner Robbye Meyer. No questions or comments were presented at the time. The consent agenda was approved by majority vote of those Board Members present at the time (4-Ayes, 0-Nays).

V. REGULAR AGENDA

A. Election of Officers (Chairperson and Vice-Chairperson)

Chairperson Ann Denton opened the election for the appointment of the new Chairperson and Vice-Chairperson for The Housing Authority of Travis County (HATC) Board.

Chairperson Election

Commissioner John Hernandez motioned to elect Commissioner Eddie Karam as the new Chairperson of the HATC Board and the motion was then seconded by Vice-Chairperson Wilmer Roberts. No questions or comments were presented at the time. The election was approved by majority vote of those Board Members present at the time (4-Ayes, 0-Nays).

Vice-Chairperson Election

Chairperson Ann Denton recommended Commissioner Robbye Meyer as the new Vice-Chairperson of the HATC Board. No questions or comments were presented at the time. Vice-Chairperson Wilmer Roberts then motioned to elect Commissioner Robbye Meyer as the new Vice-Chairperson of the HATC Board and the motion was then seconded by Commissioner John Hernandez. The election was approved by majority vote of those Board Members present at the time (4-Ayes, 0-Nays).

B. Committee Assignments

Chairperson Ann Denton suggested that this portion of the agenda be postponed for Commissioner Eddie Karam to provide input since he was elected the new Chairperson for HATC and now has the delegation to appoint members to committee assignments.

C. Discussion and Consideration regarding Board of Commissioners issues and concerns

No questions or comments were presented at the time.

VI. ACTION ITEMS

- A. Resolution No. HATC-2020-01: To Amend the Housing Authority of Travis County (HATC) Fiscal Policy Framework Document, Chapter Six: Investment Policy, to include language specifying "investment pools" as an acceptable investment option was presented by the Director of Finance Subra Narayanaier in detail. Questions raised by the board were addressed.

Vice-Chairperson Wilmer Roberts motioned to approve Resolution No. HATC-2020-01 and the motion was then seconded by Commissioner Robbye Meyer. Resolution No. HATC-2020-01 was approved by majority vote of those Board Members present at the time (4-Ayes, 0-Nays).

- B. Resolution No. HATC-2020-02: To Amend the Housing Choice Voucher (HCV) Administrative Plan's process for re-opening the waiting list by accepting applications by way of the internet for the HCV waiting list was presented in detail by the Director of Voucher Programs and Homeless Initiatives Christina Montes. Questions raised by the board were addressed.

Vice-Chairperson Wilmer Roberts motioned to approve Resolution No. HATC-2020-02 and the motion was then seconded by Commissioner Robbye Meyer. Resolution No. HATC-2020-02 was approved by majority vote of those Board Members present at the time (4-Ayes, 0-Nays).

VII. EXECUTIVE SESSION

There was no discussion at that time.

VIII. ADJOURNMENT

Commissioner Hernandez made a motion to adjourn the Board meeting. Commissioner Wilmer Roberts seconded the motion was unanimously carried.

The Annual Board meeting adjourned at 9:22 a.m.

Respectfully submitted,

Patrick B. Howard, CEO / Executive Director

MISSION STATEMENT

*Preserving and developing affordable housing and vibrant communities
to enhance the quality of life for all.*

- A copy of these minutes can be found on the web site (www.hatctx.com)
- An audio recording is available upon request, 512-854-8245.



VI. A. Resolution No. HATC-2020-03

Attachments:

A. 24 CFR 982.207 Waiting List Local Preferences

B. Excerpt from HCV Administrative Plan to include preference

HATC Action Item VI.A

January 15, 2020

Resolution No. HATC-2020-03: To Amend the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by adding a preference for non-elderly disabled persons who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or at risk of experiencing homelessness.

Background Information:

As part of the application for Mainstream Vouchers, HATC committed to implementing a preference in the admission process for non-elderly disabled families experiencing homelessness. Including this preference in HATC's admission process will provide housing opportunities to one of the most vulnerable populations in Travis County.

Requested Action:

Consider and take appropriate action regarding **Resolution No. HATC-2020-03**, To Amend the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by adding a preference for non-elderly disabled persons who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or at risk of experiencing homelessness.

Alternate Option:

The Board of Commissioners could elect to Not Amend the HCV Administrative Plan waiting list preferences by not including a preference as described above.

Fiscal Impact:

The proposed amendment aligns with HATC's proposed commitment to add this preference as part of the Mainstream Voucher Program application within 6 months of the awarded Mainstream vouchers.

Attachments:

- A. 24 CFR 982.207 Waiting List Local Preferences
- B. Excerpt from HCV Administrative Plan to include preference

Prepared by:

Christina Montes, *Director of Voucher Programs and Homeless Initiatives*

Approval:


Patrick B. Howard, *CEO/Executive Director*

HATC Action Item VI.A

January 15, 2020

Resolution No. HATC-2020-03: To Amend the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by adding a preference for non-elderly disabled persons who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or at risk of experiencing homelessness.

WHEREAS, The HATC HCV Administrative Plan provides a framework for the management and administration of the HCV Program; and

WHEREAS, Periodic amendments to HATC Board-adopted Plan are necessary in order to accommodate legislative changes, and in consideration of current trends and best practices; and

WHEREAS, Adding this preference will further provide opportunities to non-elderly disabled persons experiencing homelessness and align with HATC's goal of helping to end homelessness in Travis County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of HATC hereby:

1. Approves Resolution No. HATC-2020-03
2. Authorizes the CEO/Executive Director to execute all necessary documents and extensions.

Passed and approved the 15th day of January 2020.

Eddie Karam, *Chair, Board of Commissioners*

Attested and approved as to form:

Patrick B. Howard, *CEO/Executive Director*

Office of the Assistant Secretary, HUD

§ 982.207

(2) The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

(i) Refuse to list the applicant on the PHA waiting list for tenant-based assistance;

(ii) Deny any admission preference for which the applicant is currently qualified;

(iii) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or

(iv) Remove the applicant from the waiting list.

[59 FR 36682, July 18, 1994, as amended at 61 FR 27163, May 30, 1996; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000]

§ 982.206 Waiting list: Opening and closing; public notice.

(a) *Public notice.* (1) When the PHA opens a waiting list, the PHA must give public notice that families may apply for tenant-based assistance. The public notice must state where and when to apply.

(2) The PHA must give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. The notice must comply with HUD fair housing requirements.

(3) The public notice must state any limitations on who may apply for available slots in the program.

(b) *Criteria defining what families may apply.* (1) The PHA may adopt criteria defining what families may apply for assistance under a public notice.

(2) If the waiting list is open, the PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance because of action or inaction by members of the family) for the grounds stated in §§ 982.552 and 982.553.

(c) *Closing waiting list.* If the PHA determines that the existing waiting list contains an adequate pool for use of available program funding, the PHA may stop accepting new applications,

or may accept only applications meeting criteria adopted by the PHA.

(Approved by the Office of Management and Budget under control number 2577-0169)

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 60 FR 45661, Sept. 1, 1995; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999]

§ 982.207 Waiting list: Local preferences in admission to program.

(a) *Establishment of PHA local preferences.* (1) The PHA may establish a system of local preferences for selection of families admitted to the program. PHA selection preferences must be described in the PHA administrative plan.

(2) The PHA system of local preferences must be based on local housing needs and priorities, as determined by the PHA. In determining such needs and priorities, the PHA shall use generally accepted data sources. The PHA shall consider public comment on the proposed public housing agency plan (as received pursuant to § 903.17 of this chapter) and on the consolidated plan for the relevant jurisdiction (as received pursuant to part 91 of this title).

(3) The PHA may limit the number of applicants that may qualify for any local preference.

(4) The PHA shall not deny a local preference, nor otherwise exclude or penalize a family in admission to the program, solely because the family resides in a public housing project. The PHA may establish a preference for families residing in public housing who are victims of a crime of violence (as defined in 18 U.S.C. 16).

(b) *Particular local preferences—*(1) *Residency requirements or preferences.* (i) Residency requirements are prohibited. Although a PHA is not prohibited from adopting a residency preference, the PHA may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at § 5.105(a) of this title.

(ii) A residency preference is a preference for admission of persons who reside in a specified geographic area ("residency preference area"). A county or municipality may be used as a residency preference area. An area smaller than a county or municipality

may not be used as a residency preference area.

(iii) Any PHA residency preferences must be included in the statement of PHA policies that govern eligibility, selection and admission to the program, which is included in the PHA annual plan (or supporting documents) pursuant to part 903 of this title. Such policies must specify that use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

(iv) A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

(v) Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area. The PHA may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of the residency preference area if the education or training program is designed to prepare individuals for the job market.

(2) *Preference for working families.* The PHA may adopt a preference for admission of working families (families where the head, spouse or sole member is employed). However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

(3) *Preference for person with disabilities.* The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for admission of persons with a specific disability.

(4) *Preference for victims of domestic violence.* The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence.

(5) *Preference for single persons who are elderly, displaced, homeless, or persons with disabilities.* The PHA may adopt a preference for admission of single persons who are age 62 or older, dis-

placed, homeless, or persons with disabilities over other single persons.

(c) *Selection among families with preference.* The PHA system of preferences may use either of the following to select among applicants on the waiting list with the same preference status:

(1) Date and time of application; or

(2) A drawing or other random choice technique.

(d) *Preference for higher-income families.* The PHA must not select families for admission to the program in an order different from the order on the waiting list for the purpose of selecting higher income families for admission to the program.

(e) *Verification of selection method.* The method for selecting applicants from a preference category must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

[64 FR 26643, May 14, 1999, as amended at 64 FR 56912, Oct. 21, 1999; 65 FR 16821, Mar. 30, 2000]

Subpart F [Reserved]

Subpart G—Leasing a Unit

SOURCE: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.301 Information when family is selected.

(a) *PHA briefing of family.* (1) When the PHA selects a family to participate in a tenant-based program, the PHA must give the family an oral briefing. The briefing must include information on the following subjects:

(i) A description of how the program works;

(ii) Family and owner responsibilities; and

(iii) Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction.

(2) For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the briefing must include an explanation of how portability works. The PHA may



Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits HATC to establish other local preferences, at its discretion. Any local preferences established must be consistent HATC plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

HATC POLICY

HATC will use the following preference system:

1. Homeless Preference:

Community agencies submitting referrals for this preference must meet the following criteria:

- a) Meet the HUD definition of Homeless;
- b) Are referred to HATC by a coalition of homeless providers with whom HATC has executed a Memorandum of Understanding (MOU) outlining the providers roles and responsibilities with respect to the provision of housing search assistance and supportive services for the referred household;
- c) Have received a written commitment from the referring homeless service provider for housing search and location assistance;
- d) Have received documentation from the referring homeless service provider regarding homeless status eligibility prior to providing housing assistance;
- e) Have received a written commitment from the homeless service provider to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and
- f) Have received written commitment from the homeless service provider to offer supportive services to help the household maintain housing and comply with HCV regulations.

While a referral from the coalition of homeless service providers is required for this preference, use of the offered supportive services is not a requirement. The choice of the applicant to refuse the offered services will not jeopardize any housing assistance for which they are eligible.

HATC will execute an MOU as necessary to ensure that homeless applicants have the opportunity to apply for housing assistance under this preference.

Individuals and families transitioning from Permanent Supportive Housing (PSH) through the Continuum of Care awarded grant, will also be included as a priority group as part of this preference. These are the persons that were previously homeless prior to entry into a PSH program but who no longer require that level of supportive services. This would require a referral from the current case manager or PSH provider as well as documentation that the family was homeless prior to entering the PSH unit. This documentation must be provided as part of the referral.

Applicants interested in project based units may apply directly to the project(s). Families who applied directly will be referred by the project to HATC and be placed on the HATC PBV site-specific waiting lists if the waiting list is open.

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Applicants who qualify for this preference and report ZERO income at initial admission will not be required to pay minimum rent until income is obtained. Once income is obtained, minimum rent will apply accordingly. VASH is included in this category. See chapter 7.III for additional zero income guidance.

2. Non Elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or those at risk of experiencing homelessness.

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HATC may limit the number of vouchers issued for each preference group as needed.

Proof of preference(s) will be required at the time of selection from waiting list in order to be provided assistance.



VI. B. Resolution No. HATC-2020-04

Attachments:

A. Excerpt from HCV Administrative Plan for targeted funding

B. 24 CFR 982.203

HATC Action VI.B

January 15, 2020

Resolution No. HATC-2020-04: To Amend the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by including the Mainstream Voucher Program (MVP) under Targeted Funding.

Background Information:

Effective February 1, 2020, HATC will be awarded 30 MVP Vouchers for administration. 24 CFR 982.203 details HUD's special admission regulations which includes targeted funding groups per HUD. MVP vouchers are considered targeted funding and must be administered according to targeted funding regulations. Currently, HATC administers the following targeted funding projects: Non-elderly, Disabled (NED), Family Unification Program (FUP) and Veterans Affairs Supportive Housing (VASH). Adding vouchers as a targeted funding project would align with HUD's requirement.

Mainstream vouchers will be offered to non-elderly disabled persons that apply to the housing choice voucher waiting list. A limited waiting list will open in January 2020 to allow the public to apply. MOU's have been established with partner agencies: Integral Care and ECHO to provide referrals directly to HATC for this project.

Non-elderly persons with a disability who are transitioning out of institutional or segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or those at risk of experiencing homelessness will be given a preference for a Mainstream voucher.

Requested Action:

Consider and take appropriate action regarding Resolution No. HATC-2020-04: To Amend the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by including Mainstream Voucher Program (MVP) under Targeted Funding.

Alternate Option:

The Board of Commissioners could elect Not Amend the HCV Administrative Plan waiting list to include MVP as targeted funding.

Fiscal Impact:

The proposed amendment aligns with HATC's Mainstream Voucher Program requirements.

Attachments:

- A. Excerpt from HCV Administrative Plan for targeted funding
- B. 24 CFR 982.203

Prepared by:

Christina Montes, *Director of Voucher Programs and Homeless Initiatives*

Approval:


Patrick B. Howard, *CEO/Executive Director*

HATC Action Item VI.B

January 15, 2020

Resolution No. HATC-2020-04: To Amend the Housing Choice Voucher (HCV) Administrative Plan's waiting list selection process by including the Mainstream Voucher Program (MVP) under Targeted Funding.

WHEREAS, The HATC HCV Administrative Plan provides a framework for the management and administration of the HCV Program; and

WHEREAS, Periodic amendments to HATC Board-adopted Plan are necessary in order to accommodate legislative changes, and in consideration of current trends and best practices; and

WHEREAS, Including MVP policy will meet HUD's requirement to include in the HCV Administrative Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of HATC hereby:

1. Approves Resolution Resolution No. HATC-2020-04
2. Authorizes the CEO/Executive Director to execute all necessary documents and extensions.

Passed and approved the 15th day of January 2020.

Eddie Karam, *Chair, Board of Commissioners*

Attested and approved as to form:

Patrick B. Howard, *CEO/Executive Director*

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, HATC may admit families that are not on the waiting list, or without considering the family's position on the waiting list. HATC must maintain records showing that such families were admitted with special program funding.

HATC POLICY

HATC administers the following types of special admissions:

1. Families residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term.

Targeted Funding [24 CFR 982.204(e)]

HUD may award a HATC funding for a specified category of families on the waiting list. HATC must use this funding only to assist the families within the specified category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

HATC POLICY

HATC administers the following types of targeted funding:

1. Veterans Affairs Supportive Housing (VASH)
 - o **Veterans Affairs Supportive Housing (VASH):** HATC accepts VASH applicants as referrals in the order received from the Veterans Affairs administration for the designated number of vouchers awarded by HUD.
2. Non Elderly Disabled (NED)
3. Rental Assistance Demonstration Program- Project Based Rental Assistance
4. Family Unification Program Vouchers (FUP)
 - o The waiting list will remain open for FUP eligible referrals. Eligibility for the FUP vouchers will be based on the respective HUD Notice of Funding Availability and are limited to referrals from Texas Department of Family and Protective Services (DFPS), ECHO, and Lifeworks. When HATC receives a completed application and referral from Texas DFPS, ECHO, or Lifeworks, the applicant will be placed on the waiting list in order according to the date and time when HATC received the referral and completed application. FUP eligible applicants are granted a preference over all other applicants not eligible for FUP vouchers. If FUP vouchers are not available, FUP eligible families will maintain their original place on the waiting list for the issuance of a FUP voucher. If a referred family or youth was previously on the HCV waiting list, they will maintain their original place on the respective waiting list. If the family or youth who was referred for a FUP voucher, does not meet eligibility requirements, and they were only on the waiting list due to a FUP referral, they will be removed from the waiting list.

5. Mainstream Vouchers for Persons with Disabilities

HATC will assist the minimum number of families defined in the original grant and will replace any vacancies with eligible disabled households from the HCV waiting list. Mainstream for homeless or institutional transitions (targeted funding) waiting list policy: For the issuance of Mainstream vouchers, only applicants certified eligible for Mainstream Vouchers will be issued a Mainstream voucher. To be an eligible application for a Mainstream voucher, HATC will have to receive

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HATC

HOUSING AUTHORITY OF TRAVIS COUNTY

both (1) a completed application and (2) a completed referral from ECHO or Integral Care; or verification of age, verification of disability, and verification of homelessness or verification of residence in an eligible institution or eligible segregated setting. Until both are received, the application will not be considered an eligible application. The applicant will only be placed on the waiting list once both documents have been received. Mainstream eligible applicants are granted a preference over all other applicants not eligible for Mainstream vouchers. Applicants certified eligible for the Mainstream vouchers will be coded as such on HATC's waiting list. This preference will be granted only for the issuance of Mainstream vouchers and not any other voucher. If Mainstream vouchers are not available, Mainstream eligible families will maintain their original place on the waiting list for the issuance of other vouchers. All families granted a Mainstream preference will be prioritized based on date and time of being certified eligible.

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Placing Mainstream eligible families referred by ECHO or Integral Care or by direct application with necessary supplemental documentation on HATC's HCV waiting list:

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Those eligible applicants on the current waiting list will have priority over families not on the waiting list. If additional funding is available, and all eligible families on the waiting list are exhausted, the waiting list will remain open for Mainstream eligible families. If a family coded as Mainstream ceases to meet the criteria for Mainstream eligibility before the family has moved into an assisted unit, HATC will remove the Mainstream coding. If the family was previously on the waiting list, they will maintain their original place on the waiting list. If the family was only on the waiting list due to a Mainstream referral or a direct application for a Mainstream voucher, they will be removed from the waiting list or lose their voucher if already issued.

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§ 982.203

(c) *Applicant status.* An applicant does not have any right or entitlement to be listed on the PHA waiting list, to any particular position on the waiting list, or to admission to the programs. The preceding sentence does not affect or prejudice any right, independent of this rule, to bring a judicial action challenging an PHA violation of a constitutional or statutory requirement.

(d) *Admission policy.* The PHA must admit applicants for participation in accordance with HUD regulations and other requirements, and with PHA policies stated in the PHA administrative plan and the PHA plan. The PHA admission policy must state the system of admission preferences that the PHA uses to select applicants from the waiting list, including any residency preference or other local preference.

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 61 FR 9048, Mar. 6, 1996; 61 FR 27163, May 30, 1996; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000]

§ 982.203 Special admission (non-waiting list): Assistance targeted by HUD.

(a) If HUD awards a PHA program funding that is targeted for families living in specified units:

(1) The PHA must use the assistance for the families living in these units.

(2) The PHA may admit a family that is not on the PHA waiting list, or without considering the family's waiting list position. The PHA must maintain records showing that the family was admitted with HUD-targeted assistance.

(b) The following are examples of types of program funding that may be targeted for a family living in a specified unit:

(1) A family displaced because of demolition or disposition of a public housing project;

(2) A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

(3) For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 et seq.):

(i) A non-purchasing family residing in a project subject to a homeowner-ship program (under 24 CFR 248.173); or

(ii) A family displaced because of mortgage prepayment or voluntary termination of a mortgage insurance contract (as provided in 24 CFR 248.165);

(4) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and

(5) A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

[59 FR 36682, July 18, 1994, as amended at 64 FR 26643, May 14, 1999]

§ 982.204 Waiting list: Administration of waiting list.

(a) *Admission from waiting list.* Except for special admissions, participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list in accordance with admission policies in the PHA administrative plan.

(b) *Organization of waiting list.* The PHA must maintain information that permits the PHA to select participants from the waiting list in accordance with the PHA admission policies. The waiting list must contain the following information for each applicant listed:

(1) Applicant name;

(2) Family unit size (number of bedrooms for which family qualifies under PHA occupancy standards);

(3) Date and time of application;

(4) Qualification for any local preference;

(5) Racial or ethnic designation of the head of household.

(c) *Removing applicant names from the waiting list.* (1) The PHA administrative plan must state PHA policy on when applicant names may be removed from the waiting list. The policy may provide that the PHA will remove names of applicants who do not respond to PHA requests for information or updates.

(2) An PHA decision to withdraw from the waiting list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation in accordance with 24 CFR part 8. If the applicant did not respond to the PHA request for information or updates because of the family member's disability, the PHA must reinstate the applicant in the family's former position on the waiting list.

(d) *Family size.* (1) The order of admission from the waiting list may not be based on family size, or on the family unit size for which the family qualifies under the PHA occupancy policy.

(2) If the PHA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the PHA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

(e) *Funding for specified category of waiting list families.* When HUD awards an PHA program funding for a specified category of families on the waiting list, the PHA must select applicant families in the specified category.

(f) *Number of waiting lists.* A PHA must use a single waiting list for admission to its Section 8 tenant-based assistance program. However, the PHA may use a separate single waiting list for such admissions for a county or municipality.

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[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000]

§ 982.205 Waiting list: Different programs.

(a) *Merger and cross-listing—(1) Merged waiting list.* a PHA may merge the waiting list for tenant-based assistance with the PHA waiting list for admission to another assisted housing program, including a federal or local program. In admission from the merged waiting list, admission for each federal program is subject to federal regulations and requirements for the particular program.

(2) *Non-merged waiting list: Cross-listing.* If the PHA decides not to merge the waiting list for tenant-based assistance with the waiting list for the PHA's public housing program, project-based voucher program or moderate rehabilitation program:

(i) If the PHA's waiting list for tenant-based assistance is open when an applicant is placed on the waiting list for the PHA's public housing program, project-based voucher program or mod-

erate rehabilitation program, the PHA must offer to place the applicant on its waiting list for tenant-based assistance.

(ii) If the PHA's waiting list for its public housing program, project-based voucher program or moderate rehabilitation program is open when an applicant is placed on the waiting list for its tenant-based program, and if the other program includes units suitable for the applicant, the PHA must offer to place the applicant on its waiting list for the other program.

(b) *Other housing assistance: Effect of application for, receipt or refusal.*

(1) For purposes of this section, "other housing subsidy" means a housing subsidy other than assistance under the voucher program. Housing subsidy includes subsidy assistance under a federal housing program (including public housing), a State housing program, or a local housing program.

(2) The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

(i) Refuse to list the applicant on the PHA waiting list for tenant-based assistance;

(ii) Deny any admission preference for which the applicant is currently qualified;

(iii) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or

(iv) Remove the applicant from the waiting list.

[59 FR 36682, July 18, 1994, as amended at 61 FR 27163, May 30, 1996; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000]

§ 982.206 Waiting list: Opening and closing; public notice.

(a) *Public notice.* (1) When the PHA opens a waiting list, the PHA must give public notice that families may apply for tenant-based assistance. The public notice must state where and when to apply.

(2) The PHA must give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable