

CHAPTER 10

REEXAMINATIONS

10.0 INTRODUCTION

This chapter outlines the policies for scheduled and interim reexaminations of family income and composition.

10.1 REEXAMINATION SCHEDULES

24 CFR 982.516 (a) (1): “The PHA must conduct a reexamination of family income and composition at least annually.”

MTW Plan: The HA “will institute a three-year reexamination period for families who receive income solely from Social Security, Supplemental Security Income, [and/or retirement] pensions, since these sources are subject to predictable and minimal increases. For all other families, reexamination will occur biennially....”

Policy:

MTW participants: Families, who receive income solely from Social Security, Supplemental Security Income, Veterans Benefits, Cash Assistance Program for Immigrants (CAPI), retirement pensions and/ or have 100% excluded income will have their income and family composition reexamined every three years. For all other eligible families, reexamination will take place every two years.

Non-MTW participants: The HA will conduct annual reexaminations for families on the Moderate Rehabilitation program.

The following policies apply to MTW and non-MTW families:

The HA will conduct reexaminations by mail. However, if necessary or if requested by the family, the HA can conduct reexaminations by appointment at the HA’s office. If an appointment is scheduled and the family fails to attend the appointment, a second and final appointment will be scheduled. The family can request a reschedule of their appointment once (either the first or final appointment) by calling the HA in advance of the appointment.

If a family fails to attend their final appointment, or if the appointment letter is returned by the post office with no forwarding address, the HA will begin the process to terminate the housing assistance.

If a family is unable to obtain the information or documentation needed to complete their reexamination within 15 days, the family may request an extension.

If a family fails to submit required documentation in the required timeframe, or if the notice describing the required documentation is returned by the post office with no forwarding address, the HA will begin the process to terminate the housing assistance.

10.2 INTERIM REEXAMINATIONS

24 CFR 982.516 (b) (3): “Interim reexaminations must be conducted in accordance with policies in the PHA Administrative Plan.”

Policy:

Families are required to report the following changes in writing within 15 days of occurrence:

- Changes in family composition;
- Changes in income.

24 CFR 982.516(b)(2): “At any time, the family may request an interim determination of family income and composition because of any changes since the last determination. The PHA must make the interim determination within a reasonable time after the family request.”

Policy:

An interim reexamination must be conducted when the reported change results in a(n):

- Decrease in total family income;
- Change in Family composition. Income received by or on behalf of a new family member will be counted in total income;
- Increase in income for Zero-Income families;
- Increase in income for families under an active payment agreement with the HA;
- Increase in income for families who have qualified for a Minimum Rent Hardship Exemption (see Chapter 4.5 for information on Minimum Rent);
- A decrease in total family income such that the change brings the family to Zero-Income. During this interim reexamination the HA will examine, and include in family income, the previously uncounted income of all family members, up to but not to exceed the total family income at the last effective certification. Income will be included even if previous income increases were not counted due to HA policy.

An interim reexamination may be conducted, per the family’s request, when the reported change is an:

- Increase in earned income for families in an active Family Self-Sufficiency contract;

- Increase in income;
- Increase in Payment Standard that results in a decrease in Tenant Rent to Owner for families with an MTW voucher.

A family must attend a scheduled interim reexamination appointment as notified by the HA. If the family fails to attend the appointment, a second and final appointment will be scheduled. The family can request a reschedule of their appointment once (either the first or final appointment) by calling the HA in advance of the appointment.

If a family fails to attend their final appointment, or if the letter is returned by the post office with no forwarding address, the HA will begin the process to terminate the housing assistance.

When an interim reexamination is conducted, only those factors that have changed are verified, except as noted above.

24 CFR 982.505(c)(3): *“Decrease in the payment standard amount during the HAP contract term. The PHA may choose not to reduce the payment standard amount used to calculate the subsidy for a family for as long as the family continues to reside in the unit for which the family is receiving assistance.”*

24 CFR 982.505(c)(4): *“Increase in the payment standard amount during the HAP contract term. If the payment standard amount is increased during the term of the HAP contract, the PHA must use the increased payment standard amount to calculate the monthly housing assistance payment for the family beginning no later than the earliest of:*

- (i) The effective date of an increase in the gross rent that would result in an increase in the family share;
- (ii) The family's first regular or interim reexamination; or
- (iii) One year following the effective date of the increase in the payment standard amount.”

Policy:

When there is an increase in the payment standard during the term of the HAP contract, the HA will apply the current, increased payment standard at the earliest of:

- The family’s next interim or regular reexamination
- An increase in gross rent that results in an increase in the family share, or
- One year after the effective date of the new payment standard

When there is a decrease in the payment standard during the term of the HAP contract, the HA will not reduce the payment standard amount used to calculate the subsidy for the family for as long as the family continues to reside in the unit for which the family is receiving assistance.

24 CFR 982.517 (d): “The PHA must use the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by the family or the family unit size as determined under the PHA subsidy standards.”

Policy:

Non- MTW Participants: The HA will apply the current utility allowance when calculating the housing assistance payment for an interim reexamination.

10.3 CHANGES IN FAMILY COMPOSITION

24 CFR 982.551 (h) (2): “The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family members as an occupant of the unit.

Policy:

Changes to family composition must be reported within 15 days of the change.

The HA will approve additional family members in the following cases:

- The birth, adoption or court-awarded custody* of a child to a current family member.
- The addition of a non-biological minor child through designated full-time custody** to a current family member. †
- The addition of a minor child by birth or adoption, who has been living elsewhere, to a current family member. †

* If the child is subject to a joint physical custody agreement, the agreement must stipulate that they live with the participant family at least 6 months or 50% of the year.

** Designated custody is physical custody granted through notarized, written permission from the parent or legal guardian of the child.

† The rental property owner must provide written approval for the minors to move into the home before the HA can add them to the family composition.

- A child or children cannot be assisted by more than one federal, state or local housing assistance program. If both parents are assisted, the dependent(s) will be part of the household of first assistance until the HA receives a request to remove the dependent(s) from the household.

The HA may approve additional family members in the following cases:

- The addition of a Spouse, Registered Domestic Partner or Boyfriend or Girlfriend of the Head of Household;
- The addition of an elderly person or a person with a disability who is a parent, grandparent or adult child of the Head of Household, Spouse, Registered Domestic Partner, or Boyfriend or Girlfriend of the Head of Household;
- A foster child, already in the household, who turns 18 and for whom the family is no longer receiving foster care benefits, may remain in the household as a family member.

The HA may approve the addition of household members in the following cases:

- A foster child of a Head of Household, Spouse, Registered Domestic Partner, or Boyfriend or Girlfriend of the Head of Household.
- A foster child, under the Extended Foster Care Program (EFC) as a Non-Minor Dependent (NMD) up to age 21 of the Head of Household, Spouse, Registered Domestic Partner, Boyfriend or Girlfriend of the Head of Household.
- A live-in aide as an approved reasonable accommodation. The live-in aide may not have been a member of the participant's family for at least one year prior to approval as a live-in aide, must maintain his or her finances separately, may not contribute financially to the family, have the capacity to live independently from the family member and must not have an ownership interest in the family's rental unit.

When an approved live-in-aide moves out of the unit, the HA will remove the live-in aide from the household. The family has 90 days to submit, and have approved by the HA, a new live-in-aide. If no live-in aide is submitted or the new live-in aide is not approved within 90 days, the subsidy size will be reduced, if applicable. The change in subsidy size will be effective according to Section 10.4 of the Administrative Plan, depending on whether the household is part of the MTW program

10.4 CHANGE IN FAMILY SUBSIDY/VOUCHER SIZE BETWEEN REEXAMINATIONS

24 CFR 982.505 (c) (1): “The payment standard for the family is the lower of:

- (i) The payment standard amount for the family unit size; or**
- (ii) The payment standard amount for the size of the dwelling unit rented by the family.”**

24 CFR 982.505 (c) (5): “Irrespective of any increase or decrease in the payment standard amount, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard amount for the family beginning at the family’s first regular reexamination following the change in the family unit size.”

MTW Plan: “If a Housing Choice Voucher (HCV) family’s composition changes between regular reexaminations, the new voucher (family unit) size and corresponding payment standard [will be] applied in a calculation immediately rather than at the next regular reexamination”.

“...if a household’s voucher size changes due to a change in the agency’s subsidy standard policy, the new voucher size would not take effect for households in a unit under a Housing Assistance Payment (HAP) contract until (1) the family moves; or (2) the rental market vacancy rate remains 5 percent or higher for at least six months, whichever occurs first.” “If vacancy rates rise to 5 percent or higher for two quarters (six months) in a row, HACSC will provide a generous minimum notice period to the family before applying the reduced voucher size in the rent calculation.”

Policy:

MTW Participants (Change in Subsidy/Voucher Size due to a Change in Family Composition and/or Change in a Reasonable Accommodation): If the family voucher size increases or decreases due to a change in family composition and/or a change in a reasonable accommodation during the HAP contract term, the new family voucher size will be effective immediately.

When a new voucher size is applied between regularly scheduled reexaminations and results in no change in the family’s portion of rent or a decrease in the family’s portion of rent, the interim reexamination will be effective on the first day of the month following the receipt of all required or requested documents from the family regarding the change.

When a new voucher size is applied between regularly scheduled reexaminations that results in an increase in the family’s portion of rent, the interim reexamination will be effective on the first day of the month following an HA-provided 30 day notice of the change to the family. In incidents of documented VAWA cases where the perpetrator moves out leaving the victim in the unit, the change in the family’s voucher size will be processed the later of the interim date or the regular reexamination date.

MTW Participants (Change in Subsidy/Voucher Size due to a Change in the Agency’s Subsidy Standard Policy): If the vacancy rate (based on a local rental market trend database, such as REIS) rises to 5 percent or higher for at least 6 months (two consecutive quarters), HACSC will provide a one-year notice to the family before applying the reduced voucher size in the rent calculation.

Non-MTW Participants: Changes in family voucher size between annual reexaminations will be processed in accordance with 24 CFR 982.505 (c) (5) for families with special purpose vouchers.

10.5 POLICIES ON GUESTS AND OTHER TEMPORARY HOUSEHOLD MEMBERS

24 CFR 5.100 (8): “Guest, only for purposes of 24 CFR part 5, subparts A and I, and parts 882, 960, 966, and 982, means a person temporarily staying in the unit with the consent of the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Policy:

Guests

A guest can remain in the assisted unit no longer than 30 consecutive days or a total of 90 cumulative calendar days during any 12-month period (subject to lease terms).

Children under a court-ordered, joint custody arrangement that are outside of the assisted household more than 50 percent of the time are not subject to the guest time limitations described above.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure that is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Caretaker for Children

An adult caretaker may move into an assisted unit to assume responsibility for children:

- in the absence of the parent or guardian who is the Head of Household; and
- if documentation of the established relationship is provided.

The caretaker will be added as a temporary Head of Household (pending determination of eligibility and owner approval).

The temporary Head of Household’s income will be included in the calculation of family income.

The caretaker will be considered a temporary family member until 90 days has elapsed or legal custody or guardianship of the child (ren) has been issued, whichever comes first. At that time, the caretaker will be added as the permanent Head of Household.

If information is provided that would confirm that the caretaker’s role is temporary, the HA may extend the caretaker’s status as a temporary Head of Household past the 90-day time limit, pending further documentation.

10.6 HEAD OF HOUSEHOLD CHANGES

HUD-50058 Form: “Head of Household-- The one adult member of the household, designated by the family or by PHA policy as the head of household, who is wholly or partly responsible for rent payment.”

Policy:

The Head of Household may transfer Head of Household relationship status, roles and responsibilities to the Spouse, Registered Domestic Partner, or Boyfriend/Girlfriend.

In cases where both the Head of Household or their Spouse, Registered Domestic Partner or Boyfriend/Girlfriend (if any) are not capable of fulfilling the roles and responsibilities of the Head of Household, the Head of Household may request to transfer that role to another adult family member as a reasonable accommodation according to existing policies and procedure.

10.7 EFFECTIVE DATE OF INTERIM REEXAMINATIONS

24 CFR 982.516 (D) (1): “The PHA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim redetermination.”

Policy:

A decrease in the family’s portion of the rent is effective on the first day of the month following the receipt of all required or requested documents from the family regarding the change.

An increase in the family’s portion of the rent is effective the first day of the month following an HA-provided 30 day notice of the change to the family.

If the family causes a delay so that the processing of the interim reexamination is not completed by the effective date as outlined in HA policy, the adjustment in the housing assistance payment (increase or decrease) will be effective on the first day of the month following completion of the interim reexamination.

10.8 EFFECTIVE DATE OF REGULAR REEXAMINATIONS

24 CFR 982.516 (d) (2): “At the effective date of a regular or interim reexamination, the PHA must make appropriate adjustments in the housing assistance payment.”

Policy:

An increase in the housing assistance payment (decrease in the family rent to the owner) that results from a regular reexamination will take effect on the family’s scheduled reexamination date.

If the housing assistance payment decreases (and family’s rent to the owner increases) as a result of a regular reexamination, the HA will provide a minimum 30 day notice of the change to the family.

If the family causes a delay so that the processing of the regular reexamination is not completed by the scheduled reexamination date, the adjustment in the housing assistance

payment (increase or decrease) will be retroactively effective on the scheduled reexamination date, even if it provides less than a 30 day notice to the family.