

HUD-VASH Qs & As

These Qs & As serve as a supplement to the HUD-VASH Operating Requirements published in the Federal Register on May 6 and 19, 2008.

A. Eligibility and Admission

1. If a veteran is interested in participating in the HUD-VASH program, whom should he or she contact?

The case managers at the local Veterans Affairs Medical Centers (VAMC) are responsible for referring eligible homeless veterans to the PHAs. Therefore, any interested homeless veteran should contact their local VAMC directly. HUD has posted a list of VAMCs and participating PHAs on the HUD website: <http://www.hud.gov/offices/pih/programs/hcv/vash/>.

2. Does the PHA have any role in determining or verifying the veteran's homeless status?

No, only the VA will make that determination.

3. Is it acceptable for the VA case managers to review original documents on the PHA's behalf?

The PHA is responsible for income and citizenship verifications. The case manager may compile the documents and look them over, but the PHA has the final say regarding their appropriateness.

4. What responsibility does a PHA have to determine a family's eligibility to participate in the HUD-VASH program?

After the VA refers an eligible homeless veteran to the PHA, the PHA will determine income eligibility and screen for lifetime sex-offender registrants.

5. What if a family is over-income?

As in the regular voucher program, the PHA must determine whether a family is income eligible prior to the provision of HUD-VASH assistance. If the family is over income based on the most recently published income limits for the family size, the family will be ineligible for HCV assistance. After admission, income limits do not apply.

6. Can a PHA deny assistance to a HUD-VASH family that owes money to the PHA in connection with the Section 8 or public housing program?

No, a PHA will not be able to deny admission to the HCV program to an otherwise eligible HUD-VASH family that previously participated in the PHA's HCV or public housing program (that presumably left owing money or was not in good standing). A PHA will only be able to screen for, and deny admission to, a family member that is subject to a lifetime registration requirement under a state sex offender registration program.

7. Under portability, can a receiving PHA deny admission to a HUD-VASH family?

The answer above regarding screening applies to receiving PHAs as well as initial PHAs.

8. What if a family member, other than the veteran, is subject to a lifetime registration requirement under a state sex offender registration program?

Unless the family member that is subject to lifetime registration under a state sex offender law is the homeless veteran, the remaining family member/s may be served if the family agrees to remove the sex offender from its family composition.

9. Can the PHA deny admission to an adult family member, other than the veteran, based on the previous behavior of that family member? For example, the co-head was previously terminated from the PHA's voucher program for committing serious or repeated violations of the lease (e.g. non-payment of rent)?

No. The prohibition against screening families for anything other than lifetime sex offender status, applies to all family members, not just the veteran. The HUD-VASH operating requirements state that, with the exception of screening to determine if any household member is subject to a lifetime registration requirement under a state sex offender registration program, the PHA does not have the authority to screen "potentially eligible families" or deny assistance in accordance with 982.552 or 982.553.

10. What procedures must the PHA follow when adding a member to the assisted HUD-VASH family?

The provisions of 24 CFR Section 982.551(h)(2) apply when a family members is added to the assisted HUD-VASH household after initial occupancy. Other than the birth, adoption or court-awarded custody of a child, any other family member must be approved by the PHA in accordance with its policies.

B. Calculating Annual Income

1. Can the earnings of veterans participating in Compensated Work Therapy (CWT) programs, including Incentive Therapy (IT), be excluded as income under 5.609(c)(9)?

CWT is a Veterans Health Administration (VHA) treatment program that consists of two major clinical models: transitional work and supported employment. Both are integrated into treatment, and provided under medical orders of VHA physicians. CWT is not considered temporary employment program by VHA, and there are no regulations establishing a time limit on participation. Participation is based on the treatment needs of the individual Veteran, and judgment of the treatment team. Therefore, the number of hours per week/month, the length of participation, and the number of times the veteran participates in such programs varies widely among veterans.

HUD cannot make a general determination that such income should be excluded as temporary, nonrecurring or sporadic income as it has in other cases (e.g. census workers) because in the case of CWT and IT, the factors for making such a determination are case specific, not program specific. Circumstances vary considerably depending on the situation of each veteran and local VA administrative policies, therefore PHAs should consider the specific circumstances of each veteran participating in CWT and/or IT to determine if a Veteran's earnings under these programs may qualify as temporary, nonrecurring or sporadic income in accordance with PHA policy.

2. The Post 9/11 Veterans Educational Assistance Act of 2008 (Post 9/11 VEAA, also referred to as the Post 911 GI Bill) provides benefits for veterans pursuing a course of education in the forms of tuition assistance, book stipends, and a monthly housing allowance. Two questions arise regarding veterans that receive these benefits and their participation in the HUD-VASH program.

a. Should the Post 9/11 VEAA tuition assistance and book stipends be counted as income?

At 24 CFR 5.609(b)(9), the regulations state that in general, any student financial assistance in excess of amounts received for tuition must be counted as income if the assistance is from sources authorized under the Higher Education Act of 1965, from private sources, or from an institution of higher education. However, the Post 9/11 VEAA student financial assistance does not fall under the sources of assistance cited at 24 CFR 5.609(b)(9). Therefore, both the tuition assistance and book stipends received under the Post 9/11 VEAA that are paid directly to the veteran or to the education institution must be excluded as income in accordance with 24 CFR 5.609(c)(6).

b. Should the Post 9/11 VEAA housing allowance be considered as income? Is it considered a duplicate subsidy?

24 CFR 982.551(n) states that “an assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or

for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.” HUD has determined that such a housing allowance as may be received under the Post 9/11 VEAA is not considered a duplicate subsidy. However, the amount received for the housing allowance must be counted when determining the family’s income and rent.

3. When HUD issues guidance that clarifies or revises policies on VA programs and the calculation of annual income, how should resulting changes to annual income and family share (or the portion of rent and utilities paid by the family) be implemented?

An interim reexamination should be carried out if a veteran begins to receive financial assistance or earnings as the result of participating in a VA program. An interim reexamination should also be carried out if a veteran has been participating in a VA program, and the benefits/earnings were incorrectly included or excluded from the family’s annual income. In the latter situation, if the recalculation of annual income results in an increased family share, the changes should be applied moving forward. If the recalculation results in a decreased tenant share, then changes must be applied retroactively from the time the veteran began receiving the benefits/earnings.

4. Should VA Aid and Attendance and VA Housebound allowances be counted as income?

VA Aid and Attendance and VA Housebound allowances may be excluded under 24 CFR § 5.609(c)(4), which excludes amounts received by a family “specifically for, or in reimbursement of, the cost of medical expenses for any family member.” Live-in or periodic medical assistance and services of doctors and health care professionals are among the services that can be counted as medical expenses. The PHA should verify with the VA the amount received by the Veteran for Aid and Attendance or Housebound benefits. The portion of the total benefit amount that the Veteran uses for medical expenses must be excluded from income. Any portion of the allowance not going towards such expenses would continue to be counted as income by the PHA when computing the family’s share of the rent.

C. Mobility and Portability

1. Will veterans be able to use vouchers outside the jurisdiction of the PHA that issued the voucher? For example, if the VASH vouchers were provided to the Housing Authority of the City of Los Angeles, will participants be able to live in a unit in LA County?

Although in many cases, only one PHA was selected to partner with a given VAMC, the vouchers are intended for homeless veterans living anywhere within the jurisdiction of the servicing VAMC. Therefore, families are not required to find a unit within the jurisdiction of the issuing PHA. Families may live in surrounding jurisdictions under voucher portability provisions, with the only limitation being that the VAMC must be able to provide case management services. In all cases, the receiving PHA must bill the initial PHA.

2. Can a participant use a VASH voucher to move long distance? For example, a HUD-VASH family wants to move from California to Florida.

This type of move is permissible if the Florida VAMC can serve the family and the PHA partnering with the VAMC in Florida has an available HUD-VASH voucher. In such cases, the receiving PHA must absorb the family.

3. What happens when a veteran family has a HUD-VASH project-based voucher (PBV), and the family is eligible to move from its PBV unit, but there is no other comparable tenant-based rental assistance to offer the family?

In such a situation, as stated in Notice PIH 2010-23, the following procedures must be implemented:

- a. If a HUD-VASH tenant-based voucher is not available at the time the family wants (and is eligible) to move, the PHA could require the family to wait for a HUD-VASH tenant-based voucher for a period not to exceed 180 days;
- b. If a HUD-VASH tenant-based voucher is still not available after that period of time, the family must be allowed to move with its HUD-VASH voucher and the PHA would be required to replace the assistance in the PBV unit with one of its regular vouchers unless the PHA and owner agree to remove the unit from the HAP contract; and
- c. If after 180 days, a HUD-VASH tenant-based voucher does not become available and the PHA does not have sufficient available funding in its HCV program to attach assistance to the PBV unit, the family may be required to remain in its PBV unit until such funding becomes available. In determining if funding is insufficient, the PHA must take into consideration its available budget authority, which also includes unspent prior year HAP funds in the PHA's Net Restricted Assets account.

D. Termination

1. Can a PHA terminate a family at the time of a reexamination for a violation that occurred before they were on the HUD-VASH program? For example, the family owes money to the PHA and the PHA cannot deny admission for that reason, but would like to terminate the family at reexam time.

A PHA cannot terminate a family for a reason that could not be used for denying admission. However, a HUD-VASH family can be terminated for program violations that occur after the family is admitted to the HUD-VASH program. Prior to any termination action, the PHA is strongly encouraged to contact the VA case manager to determine if there are extenuating circumstances that should be considered to avoid the termination.

2. A veteran, as the head of household of a family with a HUD-VASH voucher, commits an act of domestic violence and is terminated from the program. Does the HUD-VASH

voucher stay with the family members, or does it go to the next veteran on the HUD-VASH waiting list?

In HUD-VASH, when a veteran's family member is receiving protection as a victim of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and the veteran is the perpetrator of such violence, the victim must continue to be assisted. (Please see 24 CFR 5.2007 for details on what documentation the PHA may request from the victim to support the claim for Violence Against Women Act (VAWA) protections.)

The Department is currently developing guidance that will provide PHAs with further guidance on the implementation of VAWA protections under 24 CFR part 5, subpart L. Until such guidance is available, PHAs should keep in mind the following points: dating violence, domestic violence, and stalking are each violations of the family obligations under 24 CFR 982.551(l), and thus the perpetrator may be terminated from assistance for committing such acts. In fact, under 24 CFR 982.553, PHAs must establish standards that allow the PHA to terminate participants for violating the family obligation not to engage in violent criminal activity.

Upon termination of the perpetrator's HUD-VASH voucher due to the perpetrator's acts of domestic violence, dating violence, or stalking, the victim receiving protections under 24 CFR part 5, subpart L should be given a regular HCV if one is available, and the perpetrator's HUD-VASH voucher should be used to serve another eligible veteran family. If a regular HCV is not available for the victim, the perpetrator must be terminated from assistance, and the victim will continue to utilize the HUD-VASH voucher. In the case of the victim utilizing the HUD-VASH voucher upon termination of the perpetrator, this HUD-VASH voucher must be issued to another eligible veteran family upon the voucher's turnover.

3. Can a PHA refuse to readmit veterans that have been terminated from the HUD-VASH program in accordance with program requirements (e.g. due to serious lease violations, program fraud, engaging in criminal activity or drug/alcohol abuse, etc.)?

In accordance with the HUD-VASH Operating Requirements published in the Federal Register on May 6, 2008, a PHA cannot deny HUD-VASH assistance to a veteran for any grounds under 24 CFR 982.552 and 982.553, with the exception of the requirement to deny admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. Therefore, if the VA case manager re-refers a veteran that has been previously terminated from the HUD-VASH program for any reason other than being subject to a state lifetime sex offender registration requirement, the PHA may not deny HUD-VASH assistance to the referred veteran.

In order to avoid such cases, prior to the PHA's termination of the veteran, HUD recommends that the PHA contact the VA case manager to discuss the reasons for the veteran's potential termination. The PHA and VA case manager should work together to agree on the appropriate action and determine if termination of the veteran's assistance can be avoided. If it is decided that termination is the appropriate action, the PHA staff and VA case manager should discuss the circumstances under which, if any, the VA may choose to re-refer the veteran family.

E. Funding Issues

1. What administrative fees will be earned by participating PHAs?

Administrative fees are provided for HUD-VASH vouchers in the same way and using the same rates as the fees earned for a PHA's regular vouchers. Fees are advanced on a monthly basis, and the amount advanced is based on the most recent validated month of VMS data. A PHA's HUD-VASH administrative are included in the larger pot of HCV administrative fees that are disbursed to the PHA monthly.

2. Will HUD-VASH vouchers be fully renewed?

It is the Department's intent to fully renew all HUD-VASH vouchers. However, such renewals are always subject to Congressional appropriations.

F. Other Issues

1. Can a veteran receive assistance through both the HUD-VASH program and the Homelessness Prevention and Rapid Re-housing Program (HPRP)?

Six types of HPRP assistance are available for eligible families: rental assistance, security deposits, utility deposits, utility assistance, moving cost assistance, and hotel/motel vouchers. HUD-VASH families are eligible to receive security deposit, utility deposit, and moving cost assistance through the program. HPRP assistance, however, cannot be provided to eligible individuals or families for the same period of time and for the same cost types that are being provided through another Federal, state, or local subsidy programs. Therefore, because HUD-VASH vouchers subsidize the monthly rent and utility payments of participating families, HUD-VASH families cannot receive rental assistance nor utility assistance through HPRP.

While HUD-VASH families cannot receive HPRP rental or utility assistance to help with their portion of the payment for the current or future months, HPRP can be used to help the household pay for up to six months of arrears or back payments on rent or utilities owed from previous housing situations. Note that assistance with arrears is eligible because it represents a different period of time – i.e., the arrears represents a back payment for previous months, while the current rental assistance is a payment going forward.

VA case managers and partnering PHAs are encouraged to help HUD-VASH families apply for HPRP assistance. For more information on HPRP and local agencies that administer the program, visit the HPRP website at <http://www.hudhre.info/HPRP/>.

2. Can a HUD-VASH family participate in the Family Self-Sufficiency (FSS) program?

Yes. HUD-VASH families are eligible to enroll in FSS. The focus of the FSS program is employment of the head of the FSS family. In developing the Individual Training and Services Plan (ITSP) for a veteran, the head of the FSS family, the FSS program coordinator will work with both the veteran and the veteran's VA case manager. This coordination will ensure that the plan is appropriate for the veteran, that it does not conflict with case management requirements or impose unrealistic burdens on the veteran and that it incorporates VA resources plus any additional resources available through the local FSS program. The FSS escrow account that accrues during the term of the FSS contract will be a valuable asset building tool for HUD-VASH participants.

Although a PHA may terminate the HCV assistance of an FSS program participant that fails to comply without good cause with the requirements of the FSS contract of participation, PHAs may choose not to exercise this option for HUD-VASH families participating in FSS.

3. What if the family no longer needs case management?

If a family no longer needs case management as determined by the VAMC, the family is still eligible for rental assistance under the HCV program. In cases where case management is no longer needed, the PHA could use one of its own vouchers, if available, to continue assisting this family and free up a voucher for another HUD-VASH eligible family. If a regular voucher is not available, the family would continue utilizing the HUD-VASH voucher. Please note that if a HUD-VASH voucher is switched from a HUD-VASH voucher to a regular voucher, the family is not subject to the PHA's waiting list because the family is already a participant in the PHA's HCV program.

4. What happens to the voucher if the homeless veteran dies?

The voucher would remain with the remaining members of the tenant family. The PHA could use one of its own vouchers, if available, to continue assisting this family and free up a voucher for another HUD-VASH eligible family. If a regular voucher is not available, the family would continue utilizing the HUD-VASH voucher. Once the HUD-VASH voucher turns over, however, it must go to a homeless veteran family.

5. What happens to the voucher if there is a divorce?

Since the set-aside of HUD-VASH vouchers is for veterans, the voucher must remain with the veteran in the case of a separation or divorce. This, in effect, would override the PHA's policies on how to determine who remains in the program if a family breaks up (24 CFR Section 982.54(d)(11)).

6. What safeguards has HUD put in place to ensure VASH funding continues to be available to homeless veterans upon turnover of a HUD-VASH voucher?

HUD will track these vouchers in the Public and Indian Housing Information Center (PIC) system, through an additional code (VASH) on the family report (Form HUD- 50058).

7. If a HUD-VASH family is denied assistance or has its assistance terminated is it entitled to an informal review and informal hearing, respectively?

Yes. Families are entitled to an informal review or hearing in accordance with the PHA's administrative policies for denial and termination of assistance, and in accordance with 24 CFR 982.554 or 982.555, as applicable. This includes denial of admission due to the limited reasons noted in the Operating Requirements (over-income and the homeless veteran is a sex offender subject to lifetime registration under state law) and termination of assistance for failure to comply with program requirements including compliance with case management as determined by the VAMC case manager.