Chapter 1

OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The Tarrant County Housing Assistance Office (hereinafter referred to as TCHAO) receives its funding for the Housing Choice Voucher (HCV) program from the United States Department of Housing and Urban Development (HUD), Office of Public Housing.

The TCHAO was established in 1975 and was empowered with the responsibility and authority to maintain the Housing Choice Voucher (HCV) Program, commonly referred to as Section 8, for the County of Tarrant, Texas. TCHAO is a county governmental body created and authorized by state law to develop and operate housing and housing programs for low-income families. The TCHAO is not a federal department or agency.

Tarrant County entered into the first Annual Contributions Contract (ACC) with the U. S. Department of Housing and Urban Development in 1975 to administer the Section 8 housing assistance program (now Housing Choice Voucher-HCV). Tarrant County must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

TCHAO receives it's funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development (HUD). This chapter contains information about the TCHAO and its programs with emphasis on the HCV program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a description of the TCHAO, its jurisdiction, its programs, and its mission and intent.

Part II: The HCV Program. This part contains information about the Housing Choice Voucher program operation, roles and responsibilities, and partnerships.

Part III: The Annual Agency Plan. This part discusses the yearly and 5 year Annual Agency Plan for TCHAO.

Part IV: The HCV Administrative Plan. This part discusses the purpose and organization of the plan and its revision requirements.

PART I: THE TCHAO

1-I.A. OVERVIEW

This section explains the origin of the TCHAO's creation and authorization, the general structure of the organization, and the relationship between the TCHAO Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF THE TCHAO

This section explains the origin of the TCHAO's creation and authorization, the general structure of the organization, and the relationship between the board and the staff.

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the Tarrant County Housing Assistance Office for the jurisdiction of **the County of Tarrant, Texas**.

The officials of TCHAO are known as Commissioners or, collectively, as the Commissioners Court of Tarrant County, Texas. Commissioners are elected officials and generally serve in the same capacity as the directors of a corporation, establishing policies under which the TCHAO conducts business, ensuring that policies are followed by TCHAO staff and ensuring that the TCHAO is successful in its mission. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability.

Formal actions of the TCHAO are taken through written resolutions, adopted by the Commissioners Court and entered into the official records of the County.

The Director of the TCHAO is directly responsible for carrying out the day-to-day operations of the agency and policies established by HUD and the commissioners. The Director is delegated the responsibility of ensuring successful implementation of all applicable rules and regulations. The Director or designated appointee is responsible for training and supervising the TCHAO staff in order to manage the day-to-day operations of the TCHAO. The Director ensures compliance with federal and state laws and directives for the programs managed.

1-I.C. TCHAO MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides guiding direction for developing strategy, defining critical success factors, searching out key opportunities, making resource allocation choices, satisfying clients and stakeholders, and making decisions.

TCHAO Policy

The mission of the Tarrant County Housing Assistance Office is to provide safe, decent and affordable housing conditions for very low-income families, and to manage resources effectively. The TCHAO is to promote personal, economic and social upward mobility and provide families the opportunity to make the transition from subsidized to non-subsidized housing, in compliance with all Federal, State and local non-discrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity.

1-I.D. THE TCHAO'S PROGRAMS

The following programs are included under this administrative plan:

TCHAO Policy

The TCHAO's administrative plan is applicable to the operation of the Housing Choice Voucher program.

The TCHAO's Family Self-Sufficiency (FSS) Action Plan is applicable to the operation of the FSS program and is attached as an addendum as though fully set forth herein. FSS is annually funded by HUD to cover salaries of FSS Coordinators. The continuation of the program is contingent upon annual re-funding. TCHAO may not continue this program during any period (year) it is not funded by HUD.

1-I.E. THE TCHAO'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the TCHAO is committed to providing excellent service to HCV program participants – families and owners – in the community. The TCHAO's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low-income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.
- Promote fair housing and the opportunity for very low-income families; families/persons with disabilities and families of all ethnic backgrounds to experience freedom of housing choice without discrimination based upon race, color, national origin, religion, sex, familial status or disability.
- Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing the TCHAO's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

- Administer an efficient, high-performing agency through continuous improvement of the TCHAO's support systems and commitment to our employees and their development.

The TCHAO will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

1-I.F. THE TCHAO NOTIFICATION POLICY

From time to time, for various reasons, the TCHAO will send information and notices to applicants, families and landlords via first class mail, or Email. Often the notice will require a response within a stated period of time.

Responses must be in writing and may be delivered in person, by U.S. mail, Email, fax, or as stated in the notification. Responses sent by U.S. mail must be postmarked or received by the deadline stated in the notice. Responses sent by Email or fax include a machine date that the response was sent on or before the deadline.

If the U.S. mail is returned by the post office with no forwarding address, the addressee will be removed from the waiting list, program or activity without further notice.

If the mail is returned by the post office with a forwarding address, the mail will be re-sent to the new address indicated. The addressee will have 15 calendar days to respond from the date the mail was re-sent.

Any mail that is not returned to the TCHAO by the U.S. post office, the TCHAO considers it to be properly delivered by the U.S. post office and received by the addressee(s).

Similarly, any email that is not returned to the TCHAO electronically, the TCHAO considers it to be properly delivered and received by the addressee(s).

Post Office Box Usage as Mailing Addresses

In the past, the use of a Post Office Box has been denied due to concerns of potential program abuse such as subleasing, etc. Occasionally, however, there is a legitimate need for a Post Office Box. While, TCHAO does not encourage the use of Post Office Boxes, the examples when "***documented***" usage might be appropriate, if approved in advance by TCHAO, are delineated below.

TCHAO Policy

- Written verification from the U.S. Post Office indicating a report of mail theft.
- Written verification from the U.S. Post Office that mail cannot be delivered to the recipient's home address.
- Written verification from a qualified professional indicating the tenant is temporarily residing in a "Battered Women's Shelter (under VAWA).

- Written verification from a qualified professional certifying that the tenant is participating in a witness protection program.

Other appropriately documented exceptions may be acceptable at the discretion of the TCHAO.

PART II. THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff with information related to the overall operation of the program. There have been many changes to the program since its inception in 1974 and a brief history of the program will assist the audience in understanding the program.

The United States Housing Act of 1937 (the "Act") is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing developments for low-income residents.

The Housing and Community Development (HCD) Act of 1974 created a new federally assisted housing program – the Section 8 Existing program (also known as the Section 8 Certificate program). The HCD Act represented a significant shift in federal housing strategy from locally owned public housing to privately owned rental housing.

Under the Certificate program, federal housing assistance payments were made directly to private owners of rental housing, where this housing was made available to lower-income families. Eligible families were able to select housing in the private rental market. Assuming that the housing met certain basic physical standards of quality ("housing quality standards") and was within certain HUD-established rent limitations ("fair market rents"), the family would be able to receive rental assistance in the housing unit. Family contribution to rent was generally set at 30 percent of the family's adjusted income, with the remainder of the rent paid by the program.

Another unique feature of the Certificate program was that the rental assistance remained with the eligible **family**, if the family chose to move to another privately-owned rental unit that met program requirements (in contrast to the public housing program where the rental assistance remains with the unit, should the family decide to move). Consequently, the Certificate program was characterized as **tenant-based** assistance, rather than unit-based assistance.

The Housing and Community Development (HCD) Act of 1987 authorized a new version of tenant-based assistance – the Section 8 Voucher program. The Voucher program was very similar to the Certificate program in that eligible families were able to select housing in the private rental market and receive assistance in that housing unit.

However, the Voucher program permitted families more options in housing selection. Rental housing still had to meet the basic housing quality standards, but there was no fair market rent limitation on rent. In addition, family contribution to rent was not set at a limit of 30 percent of adjusted income. Consequently, depending on the actual rental cost of the unit selected, a family might pay more or less than 30 percent of their adjusted income for rent.

From 1987 through 1999, public housing agencies managed both the Certificate and Voucher tenant-based assistance programs, with separate rules and requirements for each. From 1994 through 1998, HUD published a series of new rules, known as "conforming" rules, to more closely combine and align the two similar housing programs, to the extent permitted by the law.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act – was signed into law. QHWRA eliminated all statutory differences between the Certificate and Voucher tenant-based programs and required that the two programs be merged into a single tenant-based assistance program, now known as the Housing Choice Voucher (HCV) program.

The HCV program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the HCV program requires an assisted family to pay at least 30 percent of adjusted income for rent.

The transition of assistance from the Certificate and Voucher programs to the new HCV program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the HCV program.

1-II.B. HCV PROGRAM BASICS

The purpose of the HCV program is to provide rental assistance to eligible families. The rules and regulations of the HCV program are determined by the U.S. Department of Housing and Urban Development. The PHA is afforded choices in the operation of the program which are included in the PHA's administrative plan, a document approved by the board of commissioners of the PHA.

The HCV program offers mobility to eligible families because they may search for suitable housing anywhere in the PHA's jurisdiction and may also be eligible to move under portability to other PHAs' jurisdictions.

When a family is determined to be eligible for the program and funding is available, the PHA issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, the PHA will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent.

Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. The PHA continues to make payments to the owner as long as the family is eligible, and the housing unit continues to qualify under the program.

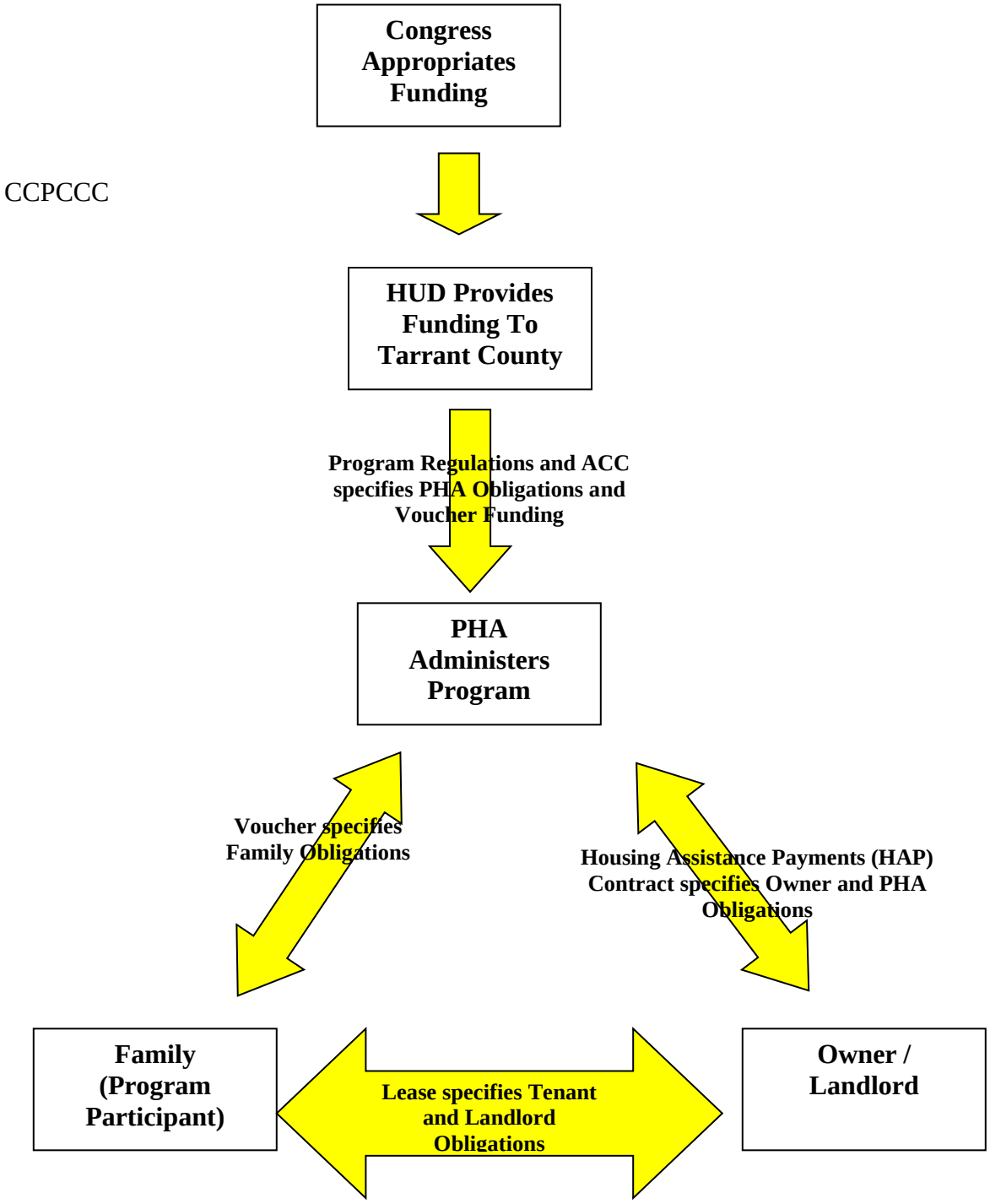
1-II.C. THE HCV PARTNERSHIPS

To administer the HCV program, the County enters into a contractual relationship with HUD. The TCHAO also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit.

For the HCV program to work and be successful, all parties involved – HUD, the TCHAO, the owner, and the family – have important roles to play. The roles and responsibilities of all parties are defined in federal regulations and in legal documents that parties execute to participate in the program.

The chart on the following page illustrates key aspects of these relationships.

The HCV Relationships:



What does HUD do?

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement HCV housing program legislation passed by Congress;
- Allocate HCV program funds to the PHA;
- Provide technical assistance to the PHA on interpreting and applying HCV program requirements;
- Monitor the PHA's compliance with HCV program requirements and the PHA performance in program administration.

What does the PHA do?

The PHA administers the HCV program under contract with HUD and has the following major responsibilities:

- Establish local policies;
- Review applications from interested applicant families to determine whether applicants are eligible for the program;
- Maintain waiting list and select families for admission;
- Issue voucher to selected family and, if necessary, assist the family in finding a place to live;
- Conduct outreach to owners, with special attention to owners outside areas of poverty or minority concentration;
- Approve the rental unit (including assuring compliance with housing quality standards and rent reasonableness), the owner, and the tenancy;
- Make housing assistance payments to the owner in a timely manner;
- Ensure that families and their rental units continue to qualify under the program;
- Ensure that owners and families comply with program rules;
- Provide families and owners with prompt, professional service (i.e., begin processing of all duties within ten (10) calendar days of receipt); and
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the PHA administrative plan, and other applicable federal, state and local laws.

What does the Owner do?

The owner has the following major responsibilities:

- Screen families who apply for tenancy, to determine if they will be good renters.
  - The PHA can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.
  - The owner should consider family background factors such as rent and bill-paying history, history of caring for property, respecting the rights of others to peaceful enjoyment of the property, compliance with essential conditions of tenancy, whether the family is engaging in drug-related criminal activity or other criminal activity that might threaten others.
- Comply with the terms of the Housing Assistance Payments contract, executed with the PHA;
- Comply with all applicable fair housing laws and discriminate against no one;
- Maintain the housing unit by making necessary repairs in a timely manner;
- Collect rent due from the assisted family and otherwise comply with and enforce provisions of the dwelling lease.

What does the Family do?

The family has the following responsibilities:

- Provide the TCHAO with complete and accurate information, determined by the TCHAO to be necessary for administration of the program;
- Make their best and most timely efforts to find a place to live that is suitable for them and that qualifies for the program;
- Attend all appointments scheduled by the TCHAO;
- Allow the TCHAO to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the family;
- Comply with the terms of the lease with the owner;
- Comply with the family obligations of the voucher;
- Not commit serious or repeated violations of the lease;
- Not engage in drug-related or violent criminal activity;
- Notify the TCHAO and the owner before moving or terminating the lease;
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit, assign the lease, or have any interest in the unit;
- Promptly notify the TCHAO of any changes in family composition;
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled effectively.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

PART III. THE ANNUAL AGENCY PLAN

1-III.A. OVERVIEW AND PURPOSE OF THE PLAN

The Annual Agency Plan is designed to inform the County Commissioners as well as the public of the annual performance goals and or changes for the TCHAO's programs and activities, the measures that will be used to gauge performance, the strategies and resources required to meet the performance goals, and the procedures that will be used to verify and validate performance information.

The TCHAO has established a Resident Advisory Board (RAB) the membership which includes active Housing Choice Voucher (HCV) and/or Family Self-Sufficiency (FSS) program participants assisted by the PHA, consulted with this RAB in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB. The PHA has included in the Plan submission, a copy of the recommendations made by the RAB and a description of the manner in which the Plan addresses these recommendations.

Every year and 5 years, the TCHAO requests a Public Hearing to present the Annual Agency Plan to the Tarrant County Commissioners and community for approval.

PART IV. THE HCV ADMINISTRATIVE PLAN

1-IV.A. OVERVIEW AND PURPOSE OF THE PLAN

The administrative plan is required by HUD. The purpose of the administrative plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the PHA's agency plan. This administrative plan is a supporting document to the TCHAO agency plan and is available for public review as required by CFR 24 Part 903.

This administrative plan is set forth to define the TCHAO's local policies for operation of the housing programs in the context of federal laws and regulations. All issues related to Section 8 not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices and other applicable law. The policies in this administrative plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

The TCHAO is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of TCHAO staff shall be in compliance with the Tarrant County's personnel policy and HUD's Section 8 regulations as well as all federal, state and local fair housing laws and regulations.

The TCHAO has established a Resident Advisory Board (RAB) which includes active Housing Choice Voucher program participants and/or Family Self-Sufficiency (FSS) program participants. The RAB meets every fall in order to the program participants to listen, review and comment on any significant changes or revisions to the policies and programs identified in the Admin Plan before they were implemented. The TCHAO includes in the Agency Plan submission, a copy of the recommendations made by the Resident Advisory Board.

1-IV.B. CONTENTS OF THE PLAN (24CFR 982.54)

HUD regulations contain a list of what must be included in the administrative plan. The PHA administrative plan must cover the PHA policies on these subjects:

- Selection and admission of applicants from the TCHAO waiting list, including any TCHAO admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the TCHAO waiting list (Chapter 4);
- Issuing or denying vouchers, including TCHAO policy governing the voucher term and any extensions or suspensions of the voucher term. 'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If the TCHAO decides to allow extensions or suspensions of the voucher term, the TCHAO administrative plan must describe how the TCHAO determines whether to grant extensions or suspensions, and how the TCHAO determines the length of any extension or suspension (Chapter 5);

- Any special rules for use of available funds when HUD provides funding to the TCHAO for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4);
- Occupancy policies, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 12);
- Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 13);
- Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2);
- Providing information about a family to prospective owners (Chapters 3 and 9);
- Disapproval of owners (Chapter 13);
- Subsidy standards (Chapter 5);
- Family absence from the dwelling unit (Chapter 12);
- How to determine who remains in the program if a family breaks up (Chapter 3);
- Informal review procedures for applicants (Chapter 16);
- Informal hearing procedures for participants (Chapter 16);
- The process for establishing and revising voucher payment standards (Chapter 16);
- The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8);
- Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 15);
- Policies concerning payment by a family to the TCHAO of amounts the family owes the PHA (Chapter 16);
- Interim redeterminations of family income and composition (Chapter 11);
- Restrictions, if any, on the number of moves by a participant family (Chapter 10);
- Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 16);
- Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 8); and
- TCHAO’s screening of applicants for family behavior or suitability for tenancy (Chapter 3).

Mandatory vs. Discretionary Policy

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects the PHA to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies the PHA has adopted. The PHA's administrative plan is the foundation of those policies and procedures. HUD's directions require PHA's to make policy choices that provide guidance to staff and consistency to program applicants and participants.

Following HUD guidance, even though it is not mandatory, provides the PHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD's safe harbor, but the PHA should carefully think through those decisions.

1-IV.C. ORGANIZATION OF THE PLAN

The Plan is organized to provide information to users in particular areas of operation.

1-IV.D. UPDATING AND REVISING THE PLAN

The PHA will revise this administrative plan as needed to comply with changes in HUD regulations. The original plan and any changes must be approved by the board of commissioners of the agency. A copy will be provided to HUD and agency staff. A copy is always available for review by applicants, program participants and the general public, by request, at the agency office, during regular business hours.

TCHAO Policy

The TCHAO will review and may update the plan annually and more often if needed, to reflect changes in regulations, TCHAO operations, or when needed to ensure staff compliance and consistency in operation.

TCHAO timeline operates on ***calendar days only***. Therefore, throughout this plan we have attempted to use ***calendar days* not** business days. However, everywhere in this plan where there is any reference to a timeline (or the lack thereof), it must automatically be translated and construed to mean ***calendar days***.