

## **Attachment # 3**

### **Wake County Voucher Program**

#### **Basic Procedures and Requirements**

##### **I. Overview**

###### **A. Basic Requirements**

Wake County Voucher requirements do not establish an upper limit for the number of persons with disabilities that can or might live in any project. Persons with disabilities who can afford the rent and/or have Section 8 rental assistance should be encouraged to apply to the project as any other tenant without being referred.

Projects are not required to provide onsite supportive services or a services coordinator, and participation in supportive services is voluntary and not a condition of tenancy.

##### **II. Roles and Responsibilities**

###### **A. Wake County**

Wake County agrees to act as a provider, coordinator or referral agent for the range of community services available to persons with disabilities in their communities.

Individual property managers may develop their own working relationships with the local services community; however, to minimize Management involvement with individual service needs, the Wake County Rental Assistance Housing Program has also agreed to act as the point of contact with the Management over the life of the project, and to represent the local services system in dealings with Management.

###### **B. Tenant**

The prospective tenant will complete an application for tenancy and any other documentation required by Management, including information required for the verification of income. Once tenancy has been established, the tenant must fulfill the obligations of tenancy, provide annual information required for verification of income, *and actively pursue Section 8 assistance. The tenant is also responsible for his/her own application fee, security deposit and share of the monthly rent.*

###### **C. Management**

Management is responsible for qualifying the applicant and will screen each referral, applying the same criteria used for all other applicants. If Wake County or Department of Housing and Urban Development assistance will be utilized, these funding sources' eligibility also applies. Referred households must be program eligible (income, other required status depending on the

type of voucher) and project eligible (elderly, non-elderly, household size, credit worthy, criminal background, rental history, etc.). Management will notify the applicant and Wake County staff as to whether the household's application is approved or rejected (reason must be disclosed). If the household doesn't meet the project's screening criteria, Management will consider requests for Reasonable Accommodations. Reasonable Accommodations may include but are not limited to:

- (1) permission to keep a service or emotional support animal in a person's unit/bed space without having to pay an extra deposit or monthly fee; or
- (2) rescinding a lease termination notice when the reason for the termination is behavior related to the individual's disability for which the individual is receiving treatment.

However, the Fair Housing Act does not protect an individual with a disability whose tenancy would constitute a "direct threat" to the health or safety of other individuals or result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by reasonable accommodation.

Other requirements of Management:

- notify the Wake County Rental Assistance Housing Program prior to commencement of pre-leasing or upon receipt of notice of intent to vacate a Wake County Voucher set-aside unit;
- include a section on Reasonable Accommodation in the application for tenancy;
- hold unit open for referrals for the required timeframe (described in Section IV(A));
- execute all pertinent documents to create a valid tenancy with the tenant;
- identify units with Wake County referrals and Wake County assistance in the Rental Compliance Reporting System, contact Wake County Rental Assistance Housing Program with questions regarding a voucher unit household's application;
- contact Wake County about any issues that may arise during the tenancy.

### **III. Targeted Populations**

Projects funded with Wake County resources have various mechanisms to ensure Wake County Voucher units are affordable to people with extremely low incomes. In these projects, targeted populations may include: the formerly homeless, and/or persons with disabilities (mental, developmental, physical), persons with HIV/AIDS, and youth who have aged out of foster care (up to age 25).

#### **A. Eligibility for a Wake County Voucher Unit**

Wake County Voucher units may only be occupied by persons referred through the Wake County Rental Assistance Housing Program. “Walk-ins” may reveal that they have a disability or are homeless, but if the person has not been referred, the household does not count towards the required number of Wake County Voucher units.

### **B. Household Composition Policy**

Household composition is governed by the persons listed on the application for rental assistance. No person(s) other than those listed on the application for rental assistance and the lease shall live/stay in the residence other than on a temporary basis, not to exceed 30 days, in a calendar year. Program participants must promptly inform Wake County Rental Assistance Housing Program of the birth, adoption, court-awarded custody or guardianship of a child or adult. Program participants must receive prior approval from Management and Wake County Rental Assistance Housing Program to add any additional persons to the household.

For permanent supportive housing clients, members of any household who were living in a unit assisted with a Wake County Voucher at the time of a qualifying member's eviction from the unit because the qualifying member was found to have engaged in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, have the right to rental assistance under this section until the expiration of the lease in effect at the time of the qualifying member's eviction.

### **C. Surviving Household Members**

Surviving members of a household who was living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death, housing assistance and supportive services under the HOPWA program shall continue for a grace period following the death of the person with AIDS. The grace period for continued participation by a surviving household member may continue through the end of the current lease or up to one year, but may not exceed one year from the death of the family member with AIDS. The Wake County Rental Assistance Housing Program shall notify the household of the duration of their grace period and may assist the household with information on other available housing programs and with moving expenses.

### **D. Caregivers and Live-in Aides**

*Tenants that require caregivers or live-in aides are eligible for Targeted units. All caregivers that reside in the unit should be screened for criminal history eligibility; however, caregivers should be screened for credit eligibility only if they are responsible to pay rent, in which case the caregiver is a member of the household and their income is included in the total household income for income qualification and rent determination purposes.*

*The income of a live-in aide is not included in the household income and such individuals should not be screened for credit eligibility. Live-in aides qualify by being able to document the following:*

- is essential to the care and well-being of the person with disabilities,*
- is not obligated to support the household, and*
- would not be living in the unit except to provide the necessary assistance and supportive services.*

*Relatives may qualify as live-in aides, but must meet the above requirements, and documentation is essential.*

*Leases or lease addendums should deny occupancy of the live-in aide if the qualifying household member moves from the unit, or the live-in aide violates any rules established by the development.*

#### **IV. Processing Referrals to Wake County Voucher Units**

A unit only qualifies as a Wake County voucher unit if occupied by a household referred by the Wake County Rental Assistance Housing Program. Units otherwise occupied by persons who are formerly homeless, have disabilities, are HIV positive, or are recently released from foster care do not count towards the required number of Wake County Voucher units.

##### **A. Rent-Up and Unit Mix**

Management is responsible for contacting the Wake County Rental Assistance Housing Program prior to commencement of pre-leasing. Working with the Wake County Rental Assistance Housing Program early on will facilitate compliance and avoid delays in referrals and occupancy.

- 1) The required number of Wake County Voucher units will be held open for referrals for the lesser of thirty (30) days after the first Certificate of Occupancy or until the project meets the requirement. A Vacancy payment will be pro-rated during the thirty (30) day period until the unit is rented to a Wake County Voucher client.
- 2) After initial lease-up, if a Wake County Voucher unit is vacated, vacancies must be held open for referrals for a period of thirty (30) days starting when the Wake County Rental Assistance Housing Program receives notice of the vacancy from Management. A vacancy payment will be pro-rated during this thirty (30) day period until the unit is rented to another Wake County Voucher client.
- 3) If a Wake County Voucher client vacates a unit, and the unit suffers damage, the Wake County Rental Assistance Housing Program will make a Damage payment to cover the cost

above that covered by the Security Deposit. Proof of damages and related costs must be documented by Management. At a maximum, the Wake County Rental Assistance Housing Program will pay the amount that equals up to three months of rent where necessary to cover Vacancy payment, Damage payment and Security Deposit until the unit is rented.

Management should not designate which units are going to be Wake County Voucher units prior to receiving referrals and should attempt to avoid concentrating the Wake County Voucher units into one building.

**B. Fair Market Rent**

Rental assistance will only be provided if the total rent for the unit does not exceed the fair market rent standard established by HUD for our community and complies with HUD’s standard of rent reasonableness. Rent reasonableness will be determined by the Wake County Rental Assistance Housing Program. Fair Market Rents are determined by unit bedroom size and are updated annually in the Spring. At the time of the release of this RFP, Fair Market Rents for the Raleigh Metropolitan Area are as follows:

<b>FY 2019 Fair Market Rent by Unit Bedrooms</b>					
<b>Year</b>	<b>Efficiency</b>	<b>One-bedroom</b>	<b>Two-bedroom</b>	<b>Three-bedroom</b>	<b>Four bedroom</b>
FY 2019	\$846	\$949	\$1,086	\$1,396	\$1,764
FY 2020	To be released in Spring 2019				

In addition, rental assistance will only be provided if the units meets HQS Housing Quality Standards and comply with lead-based paint requirements (24CFR 574.635). Fire Protection Regulations also apply.

**C. Waitlists**

The Wake County Rental Assistance Housing Program will maintain waiting lists for persons with disabilities and will refer waitlisted persons to property management during initial lease up, based upon the required number of Wake County Voucher units. During and after rent-up, Wake County Voucher unit referrals must be moved in first regardless of chronological order of the general waiting list until all Wake County Voucher units are occupied with referrals. Management may not have a preference for referrals with a Section 8 voucher. Management must notify Wake County Housing of vacancies as they occur, regardless of unit size or income targeting, until the total number of Wake County Voucher units are occupied by referred households.

***D. Federal project-based assistance***

*Leasing and occupancy rules enforced by the provider of federal PBRA may supersede these procedures and requirements for such units. Units occupied by persons with disabilities who have a Targeting Program Letter of Referral from DHHS count as targeted. Management will maintain communication with DHHS to facilitate fulfillment of targeting requirements.*

### **E. Rehabilitation projects**

Households who were relocated as part of a rehabilitation of the project have first priority to return regardless of disability status. Returning or existing tenants cannot occupy Wake County voucher units. Management should notify the Wake County Rental Assistance Housing Program of units not filled by returning or existing tenants and accept referrals from the Wake County Rental Assistance Housing Program until the required number of Wake County Voucher units are filled.

### **V. Fair Housing and Equal Opportunity**

Wake County complies with the non-discrimination and equal opportunity provisions of Federal civil rights laws as specified at 24 CFR 5.105(a), including, but not limited to the following:

- Fair Housing Act
- Section 504 of the Rehabilitation Act
- Title VI of the Civil Rights Act
- Title II of the Americans with Disabilities Act
- HUD's Equal Access Rule

#### **A. Affirmatively Furthering Fair Housing**

The Wake County Rental Assistance Housing Program has non-discrimination policies in place and conducts assertive outreach to people least likely to engage in the homeless system. The Wake County Rental Assistance Housing Program markets housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or disability; and, provides program applicants and participants with information, in writing, on their rights and remedies under applicable federal, state, and local fair housing and civil rights laws.

#### **B. Integration and Accessibility (Fair Housing and Equal Opportunity)**

The Wake County Rental Assistance Housing Program offers housing and supportive services that must be offered in an integrated manner, such that persons with disabilities may enjoy a meaningful life within the community. The Wake County Rental Assistance Housing Program offers housing and supportive services to enable individuals with disabilities to interact with nondisabled persons to the fullest extent possible.

#### **C. Discrimination Based on Actual or Perceived Gender**

HUD's Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule (Equal Access Rule) requires that HUD's housing projects be made available to individuals and families without regard to actual or perceived sexual orientation, gender

identity, or marital status. The rule defines “gender identity” to mean “actual or perceived gender-related characteristics.” The final rule also prohibits owners and administrators of HUD-assisted or HUD-insured housing, approved lenders in an FHA mortgage insurance program, and any other recipients or subrecipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing.