



**HOUSING COMMISSION AGENDA**  
**Regular Meeting Date: September 14, 2022**  
**Time: 8:00 a.m.**

Due to the COVID-19 public health emergency and in accordance with guidance from state and local public health officials the Housing Commission has made several changes to its meetings to prevent COVID-19 and its variants from spreading in our communities. Here is how to participate in the meetings:

**REMOTE/TELECONFERENCE PARTICIPATION:**

**JOIN MEETING USING ZOOM:**

<https://us02web.zoom.us/j/88460095724>

Meeting ID: 884 6009 5724

**JOIN MEETING BY PHONE:**

Dial: 1-888-788-0099

Meeting ID: 884 6009 5724

**IN-PERSON PARTICIPATION**

**HACA Board Room**

22941 Atherton Street

Hayward, CA 94541

*Note: Seating and occupancy in the HACA Board Room is reduced to allow for social distancing.*

**MEETING AGENDA**

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- |   |               |          |
|---|---------------|----------|
| <b>1. CALL TO ORDER / ROLL CALL</b>   |               |          |
| <b>2. RESOLUTION NO. 10-22 APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION 54953(e) (AB361)</b>     | <b>ACTION</b> | <b>3</b> |
| <b>3. CLOSED SESSION</b>  |               |          |
| <b>CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION</b>  |               |          |
| <i>Pursuant to Government Code §54956.9</i>   |               |          |
| <i>Housing Authority of the County of Alameda, et al.,</i>  |               |          |
| <i>Superior Court of California, County of Alameda, Case No. 22CV012548 – One (1) case</i>  |               |          |
| <b>4. CLOSED SESSION</b>  |               |          |
| <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION</b>   |               |          |
| <i>Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 of the Government Code – One (1) case</i> |               |          |
| <b>5. MINUTES OF THE AUGUST 10, 2022 HOUSING COMMISSION MEETING</b>   | <b>ACTION</b> | <b>8</b> |
| <b>6. PUBLIC COMMENT - On matters not on the agenda</b>   |               |          |

All in-person and remote meeting participants who wish to speak on a matter not on the agenda must wait until the Chair calls for PUBLIC COMMENT. To speak on an item that is on the agenda, please wait for the Chair to call for public comment on that agenda item. There is a time limit of 3 minutes for each public speaker. The Chairperson has the discretion to further limit this time if warranted by the number of public speakers. NOTE: Only matters within the Commission’s jurisdiction may be addressed.

If attending the meeting in-person, please obtain a speaker slip from the Housing Commission Clerk, fill it out and turn it in to her/him as soon as possible. If participating in the meeting remotely, you can submit your written comment(s) to: [melissat@haca.net](mailto:melissat@haca.net). In-person and remote attendees must give their full name for the record before proceeding with their comments.

**MEETING AGENDA CONTINUED ON NEXT PAGE**



Housing Authority of the  
County of Alameda

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**HOUSING COMMISSION AGENDA (CONTINUED)**

**Regular Meeting Date: September 14, 2022**

**Time: 8:00 a.m.**

**MEETING AGENDA (CONTINUED)**

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<b>8-3. Program Activity Report</b>	<b>INFORMATION</b>	<b>21</b>
<b>9. COMMISSIONER REPORTS</b>	<b>INFORMATION</b>	
<b>10. ADJOURNMENT</b>		

# **TELECONFERENCING REQUIREMENTS**

## **RESOLUTION NO. 10-22**

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING  
REQUIREMENTS UNDER GOVERNMENT CODE 54953(e) (AB361)**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: September 14, 2022

Subject: Consideration to Approve Resolution to Implement  
Teleconferencing Requirements Pursuant to Government Code  
section 54953 (e) (AB 361)

Exhibits Attached: Resolution No. 10-22

Recommendation: Adopt Resolution

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**BACKGROUND**

On March 17, 2020, to address the need for public meetings during the present public health emergency caused by the COVID-19 virus, Governor Newsom issued Executive Order No. N-29-20, suspending the existing requirements and criteria under the Brown Act, enabling public agencies to conduct their public agenda meetings by teleconference.

On June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act’s teleconferencing requirements through September 30, 2021. Both these Executive Orders allowed public agencies to meet virtually without providing members of the public the right to access the locations from which members of the public agency’s elected officials participated in meetings, thereby eliminating the access requirements under the standard Brown Act teleconference requirements.

On September 16, 2021, Governor Newsom signed into law, Assembly Bill (“AB”) 361, amending Government Code section 54953 to provide authority and specific requirements for public agencies to continue to hold virtual meetings after September 30, 2021, during a proclaimed state of emergency and remain in compliance with the Brown Act (Gov. Code §§ 54950, *et seq.*).

**DISCUSSION**

The new law enacted by AB 361 requires a notice requirement which provides members of the public instructions on how to access the public agency’s virtual meetings enabling members of the public to communicate directly with the agency’s elected body during

the allotted public comment time. In contrast, the prior Executive Orders issued by Governor Newsom limited public comments to only comments submitted in advance of the meeting.

AB 361 also adds a procedural requirement requiring public agencies to adopt a resolution in advance of conducting any further virtual public meetings. Government Code section 54953(e) permits legislative bodies and public agencies to make decisions whether to hold virtual meetings at the time of the meeting and does not restrict it to one-time use.

At the August 10, 2022 Housing Commission meeting, your Commission adopted Resolution No. 09-22 to approve the implementation of teleconferencing requirements pursuant to AB361. AB 361 requires public agencies to adopt subsequent resolutions every 30 days to continue the use of virtual meetings. Staff is recommending that your Commission approve a resolution implementing the teleconferencing requirements pursuant to Government Code section 54953(e) as amended by AB 361.

Upon approval of the resolution your Commission may proceed with the rest of the regular agenda.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 10-22**

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER  
GOVERNMENT CODE SECTION 54953 (e) (AB 361)**

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconference rules set forth in the California Open Meeting law, Government Code section 54950, *et seq.* (the “Brown Act”), which provided certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

**WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, and;

**WHEREAS**, due to the seriousness of the current pandemic situation, the Housing Authority of the County of Alameda has implemented several safety measures including a requirement that all employees to wear facial coverings when not alone in a private office or meeting room and remain socially distanced; and

**WHEREAS**, Government Code section 54953(e) requires that the public agency make additional findings every thirty (30) days to continue virtual meetings.

**NOW, THEREFORE, BE IT RESOLVED:**

1. All the above recitals are true and correct and are incorporated into this Resolution by this reference.
2. The Commission finds that state and local officials have imposed or recommended measures to promote social distancing.
3. The Commission therefore determines that it and its legislative body shall conduct their meetings virtually by teleconferencing in accordance with Government Code section 54953(e)
4. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Commission or pursuant to action by the Commission.

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA  
RESOLUTION NO.: 10-22: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT  
CODE SECTION 54953 (e) (AB 361)  
SEPTEMBER 14, 2022

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**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 14<sup>th</sup> day of September 2022 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

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Kurt Wiest  
Executive Director/Housing Commission Secretary

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Peggy McQuaid  
Housing Commission Chairperson

**Adopted:** September 14, 2022

**HOUSING COMMISSION MEETING MINUTES**  
**August 10, 2022**





**SUMMARY ACTION MINUTES**

**HOUSING COMMISSION**  
**Regular Meeting: August 10, 2022**  
**Meeting Time: 8:00 a.m.**

*Due to the COVID-19 public health emergency and in accordance with guidance from state and local public health officers, this meeting was conducted on-site in the HACA Board Room with reduced capacity to promote social distancing and was also available via the Zoom video conference platform, and by phone.*

**1. CALL TO ORDER / ROLL CALL**

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**CALL TO ORDER:**

Chairperson McQuaid called the meeting to order at 8:10 a.m.

**ROLL CALL:**

**Present:**

Commissioner Pete Ballew  
Commissioner Mark Gerry  
Commissioner Michael Hannon  
Commissioner Shawn Kumagai  
Chairperson Peggy McQuaid  
Vice Chairperson Yang Shao  
Commissioner Courtney Welch

**Entered after Roll Call:**

Commissioner Angela Finley  
Commissioner Pat Gacoscos  
Commissioner Sara Lamnin

**Excused:**

Commissioner Monith Ilvarasan

**Absent:**

Commissioner Andrew Serna

**2. RESOLUTION NO. 09-22: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION 54953(e) (AB361)**

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Melissa Taesali, Executive Assistant, presented the staff report. Report received with no questions or comments from the Housing Commission.

Recommendation: Adopt Resolution No. 09-22 approving the implementation of teleconferencing requirements under Government Code Section 54953(e) (AB361).

Motion/Second: Gerry/Welch.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gerry, Hannon, Kumagai, McQuaid, Shao, and Welch.

Not present for vote:

Cmr. Gacoscos and Lamnin.

Motion passed. **APPROVED AS RECOMMENDED.**

**3. ACTION: ELECTION OF OFFICERS**

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Commissioner Michael Hannon presented the report. Cmr. Hannon reported that the Nominating Committee was comprised of Cmr. Gerry and himself and that they were tasked with identifying commissioners who are interested in serving as the Housing Commission's Chair and Vice Chair. Cmr. Hannon indicated that Cmr. McQuaid and Cmr. Shao, the current Chair and Vice Chair, expressed an in serving another term as the Chair and Vice Chair and that the Nominating Committee is in agreement. He noted that Cmr. McQuaid's term on the Albany City Council will be ending in December and that in the event she is not able to continue on as the Housing Commission Chair next year, Cmr. Shao will assume the role of Commission Chair and the Housing Commission will appoint a new Vice Chair at that time.

Recommendation: Approve the appointment of Commissioner Peggy McQuaid and Commissioner Yang Shao to the positions of Housing Commission Chair and Vice Chair, respectively.

Commission Discussion: Cmr. McQuaid expressed appreciation to the Housing Commission for appointing her and Cmr. Shao to another term as Chair and Vice Chair.

Motion/Second: Hannon/Gerry.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmsrs. Ballew, Finley, Gerry, Hannon, Kumagai, Lamnin, McQuaid, Shao, and Welch.

Not present for the vote:

Cmsrs. Gacoscos and Lamnin.

Motion passed. **APPROVED AS RECOMMENDED.**

*Newly elected Chairperson McQuaid chaired the remainder of the meeting.*

**4. ACTION: APPROVAL OF THE MINUTES OF THE JUNE 8, 2022, HOUSING COMMISSION MEETING**

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Recommendation: Approve the minutes of the June 8, 2022, Housing Commission meeting as presented.

Motion/Second: Hannon/Shao.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmsrs. Ballew, Finley, Gerry, Hannon, Kumagai, McQuaid, Shao, and Welch.

Not present for the vote:

Cmsrs. Gacoscos and Lamnin.

Motion passed. **APPROVED AS RECOMMENDED.**

**5. PUBLIC COMMENT – On matters not on the agenda**

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None.

**6. INFORMATION: EXECUTIVE DIRECTOR’S REPORT**

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Kurt Wiest, Executive Director, presented his report.

Mr. Wiest provided an update on HACA’s operations relative to COVID-19. He commented that Chairperson McQuaid and Commissioner Gerry were present in the HACA Board Room and that this was the first time in over 2 years that Commissioners were able participate in-person. Mr. Wiest indicated that Housing Commission meetings will be held in a hybrid format that offers the option of attending the meeting in-person or participating in the meeting remotely. He also stated that staff continues to monitor state and local guidance and will adjust as required.

Laura Broussard Rosen, Deputy Executive Director, gave a report on HACA’s current staff vacancies. Ms. Broussard Rosen reported that there are 8 vacancies in the Housing Programs operations area. She summarized the positions that are currently vacant and reported that a majority of these vacancies are currently covered by a contracted temporary employee (HACA temps). Ms. Broussard Rosen provided an update on the current open recruitments and summarized the classifications that HACA will be recruiting for in the future. Ms. Broussard Rosen indicated that staff must be strategic in conducting these upcoming recruitments given the absence of an HR Manager.

Mr. Wiest gave a report on HACA’s client services during HACA’s office closure. He described the methods and tools that are in place to ensure that HACA’s program participants can continue to obtain services from and communicate with HACA staff.

Commission Discussion: Cmr. Hannon and Ms. Broussard Rosen discussed the HACA temps who are covering some of the vacant positions. Cmr. Hannon asked if it’s possible to convert the HACA temps to full-time permanent employees if they are performing well. Ms. Broussard Rosen explained that the HACA temps must go through the recruitment process per the HACA Personnel Rules. She commented that many current HACA employees were once HACA temps who became full-time, permanent HACA employees through the recruitment process. Cmr. Lamnin, Mr. Wiest, and Ms. Broussard Rosen discussed the concept of hiring an HR consultant and/or contractor to assist with HR functions in the interim. Mr. Wiest commented that he reached out to the person that Cmr. Lamnin had referred him to. Ms. Broussard Rosen commented that staff is weighing and exploring all options for the coverage of these critical functions.

Cmr. Lamnin commented that the members of the public who have reached out to her expressed concerns about losing their housing assistance and need some reassurance that while there are some delays in processing due to staffing shortages, they are not in jeopardy of losing their housing. Mr. Wiest stated that he will continue to collaborate with staff to find ways to improve communications with clients who are concerned about the status of their housing assistance.

Cmr. Hannon asked about the 3 candidates for the HR Manager position who decided to decline the offer of employment and if compensation was the reason. Mr. Wiest indicated that salary was not the main or sole reason and described the reasons why these candidates decided not to pursue employment with HACA.

Cmr. Finley commended HACA staff for the work that they are doing to ensure that services for clients continue during the office closure.

Cmr. Gerry commented that it has been a challenging employment market and he too is experiencing difficulties in retaining not only staff but tenants as well.

**7. NEW BUSINESS**

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**7-1. ACTION: AWARD CONTRACTS FOR LEGAL SERVICES**

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Mansoorali Hudda, Finance Director, presented the staff report. Mr. Hudda reported that in May, staff issued Request for Proposals (RFP) for legal services in six (6) specific areas (Lots) and described each of the Lots. He indicated that in the RFP HACA reserved the right to issue multiple contracts based on expertise in specific Lots and reported that HACA received proposals from three (3) firms. Mr. Hudda stated that a selection committee comprised of HACA's Executive Director, Deputy Executive Director, and Finance Director evaluated the proposals. Mr. Hudda recommended that the Housing Commission award a contract to Reno & Cavanaugh for Lots #1, 2, and 4 in the amount of \$300,000 to cover a period of five years, including an initial two-year contract and options for three one-year extensions. He further recommended that the Housing Commission authorize the Executive Director to execute a contract with Liebert Cassidy Whitmore for Lot#3 in the amount of \$250,000 to cover a period of five years, including an initial two-year contract and options for three one-year extensions.

Recommendation: Award contracts for legal services and authorize the Executive Director to execute the contracts with Reno & Cavanaugh LLP and Liebert Cassidy Whitmore.

Commission Discussion: Cmr. Hannon and Mr. Hudda discussed plans to conduct a separate procurement for other Lots. Mr. Hudda indicated that staff is currently assessing what the options are such as "piggy-backing" with other agencies or holding another RFP and

Motion/Second: Gacoscos/Kumagai.

Upon a roll call of the votes being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, Kumagai, Lamnin, McQuaid, Shao, and Welch.

Motion passed. **APPROVED AS RECOMMENDED.**

**7-2. INFORMATION: PROGRAM ACTIVITY REPORT**

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Mr. Wiest introduced the report. He highlighted some data points on the lease-up report that show an increase of almost 10% in the number households that HACA is able to assist. He commented that while this is a positive, it does create additional work for staff and the operations at a time when HACA is experiencing staff shortages and capacity issues.

Daniel Taylor, Special Programs Manager, presented the staff report. Mr. Taylor reported on the Family Self-Sufficiency (FSS) Virtual Health and Resource Fair held on July 30<sup>th</sup> and stated that it was well attended. He thanked the commissioners who attended the event.

Commission Discussion: Cmr. Hannon asked about the “No Shows” on the inspection reports and if this was on the part of the property owners or participants. Ms. Broussard Rosen indicated that these were due to the participants missing the appointment. She explained that it is a program requirement for participants to take part in the inspections process and that participants are allowed 2 missed appointments before action is taken for non-compliance with program rules. Cmr. Hannon asked if there are any consequences for property owners who miss inspection appointments. Ms. Broussard Rosen explained that inspection appointments made directly with property owners are done at the initial lease-up of their unit so landlords are typically motivated to keep these inspection appointments since missing them will delay the processing of their Housing Assistance Payment contract with HACA. Cmr. Gerry, Ms. Broussard Rosen, Mr. Taylor, and Mr. Hudda discussed some of the reasons why there is an increase in the lease-up data. Chairperson McQuaid asked how HACA balances staff capacity and the increase in the number of vouchers that are added to the program. Mr. Hudda explained that HACA must operate within the funding that is provided by HUD and that it is challenging to meet program staffing needs when the programs aren’t sufficiently funded. Ms. Broussard Rosen commented that it is a delicate balance that has been an ongoing challenge for HACA’s operations. Cmr. Hannon and Mr. Taylor discussed the awards for the poster contest and other prizes that are awarded throughout the year for the achievements of the FSS participants and their families. Cmr. Hannon asked that staff consider a small monetary award for the poster contest winners. Chairperson McQuaid commented that she’d be willing to explore reaching out to other agencies to help fund some of these special projects in FSS. Cmr. Finley offered to assist Mr. Taylor with exploring small grants that might be available.

**7. COMMISSIONER REPORTS**

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None.

**8. ADJOURNMENT**

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There being no further business to discuss Chairperson McQuaid adjourned the meeting at 8:58 a.m.

Respectfully submitted,

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Melissa Taesali  
Executive Assistant/Housing Commission Clerk

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Kurt Wiest  
Executive Director/Housing Commission Secretary

**Approved:**

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Peggy McQuaid  
Housing Commission Chairperson

**EXECUTIVE DIRECTOR'S REPORT**  
**September 14, 2022**

## HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

### EXECUTIVE DIRECTOR'S REPORT

Meeting Date: September 14, 2022

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1. **COVID-19 Update:** Last month the Housing Commission held a hybrid public meeting, with the first in-person attendance since the beginning of the pandemic. Based on the success of that meeting and relying on the skills of Melissa Taesali and other HACA staff in ensuring our media systems work as designed, we will continue utilizing a hybrid meeting format indefinitely. Housing Commissioners, HACA staff, and the public are welcome to attend Commission meetings in-person or remotely.

For those attending in person, face masks are encouraged but are optional while inside the building. Social distancing standards are still in place and seating in the Bill Ward Boardroom is designed to meet 6-foot distancing standards.

We are seeing a general downward trend of COVID-19 positive cases among HACA staff, along the same line as in Alameda County and elsewhere. I'm encouraged to see signs everywhere that the limitations placed in our lives by the pandemic are slowly moderating and even disappearing. An internal committee of HACA staff continue to explore measures that would allow the office to reopen to the public at a future date.

2. **HUD Award of 34 Regular Housing Choice Vouchers:** On August 29 we were notified of an award of 34 new regular Vouchers under the Consolidated Appropriations Act of 2022. Funding for these vouchers will be added to the Annual Contributions Contract that supports our largest rental assistance program and will be effective October 1, 2022. It has been a rare occurrence over the last two decades for Congress to appropriate funding for new regular Vouchers to local Public Housing Authorities. The Voucher awarded to HACA was determined by a formula based on our administrative capacity and local conditions such as homelessness, severe cost burdens, substandard housing for very low-income renters, and overcrowding.



**NEW BUSINESS**  
**September 14, 2022**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting Date: September 14, 2022

Subject: Family Self Sufficiency (FSS) Action Plan Update

Exhibits: Attachment A: FSS Action Plan

Recommendation: Approve Proposed Policy Revisions

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**BACKGROUND**

The Family Self-Sufficiency (FSS) Program was enacted by HUD in 1990 and is an employment and savings incentive program for low-income families that are Housing Choice Voucher (HCV) Program participants. The program provides case management services that help participants pursue employment and other goals. In addition, as the family’s earnings rise as a result of increased income, their rental share increases. The result is a decrease in housing assistance payments (HAP) for the public housing authority (PHA), and a portion of this savings is deposited into an escrow account by the PHA. The family receives the escrow funds upon graduation from the program.

On May 17, 2022, HUD published a final rule, *Streamlining and Implementation of Economic Growth, Regulatory Relief, and Consumer Protection Act Changes to the Family Self-Sufficiency (FSS) Program*, which was effective on June 16, 2022. Section 306 of the Act made multiple amendments to the FSS Program, including updating the FSS Contract of Participation (COP), clarifying escrow account requirements, and updating program policies in the FSS Action Plan. PHAs are required to be compliant with the final rule no later than November 14, 2022. HACA must submit the revised FSS Action Plan, which summarizes the program’s policies and procedures, to HUD by September 30, 2022.

**DISCUSSION AND ANALYSIS**

HACA has revised the FSS Action Plan to ensure program compliance and to incorporate the required changes in HUD’s newly published final rule. Specifically, the following key changes and benefits to FSS participants have been incorporated into the FSS Action Plan:

- FSS participants must now be “welfare-free” at time of graduation, instead of the previous requirement of 12 months prior to graduation.

- FSS participants can continue to earn escrow if the family is between 50% and 80% of Area Median Income (AMI), instead of the previous cap of 50% of AMI.
- The base term of the COP is now longer, beginning 5 years from the first re-certification after enrollment, rather than 5 years from the effective date.
- The definition of “good cause” for COP extensions is broader.
- Any adult member of the FSS Family can enroll and enter into the COP, instead of the previous requirement that it be the Head of Household.
- FSS participants who cannot continue the program may have the possibility of “Termination with Escrow Disbursement” in certain circumstances.
- PHAs are now required to reinvest forfeited escrow back into the FSS program to provide resources to FSS participants.

HACA was previously working on comprehensive revisions to the FSS Action Plan and has now included the new required changes. Given the number of revisions to the document, the red-lined version is difficult to understand. Therefore, Attachment A is a clean version of the document. Any future updates to the plan submitted to your Commission will be presented with a red-lined version.

Staff recommends that your Commission approve the revisions to the FSS Action Plan. Once approved by your Commission, HACA will submit the FSS Action Plan to HUD for approval and follow with staff training and implementation of required changes.

**HOUSING AUTHORITY OF ALAMEDA COUNTY**

**AGENDA STATEMENT**

Meeting Date: September 14, 2022

Subject: 2022 HACA Scholarship Awards

Exhibits Attached: None

Recommendation: Approve the 2022 HACA Scholarship Awards

Financial Statement: \$18,500 included in 2022-2023 budget

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**BACKGROUND**

Every year, the HACA Scholarship Program provides an opportunity for participants of the Family Self-Sufficiency (FSS) program and for tenants of HACA’s instrumentality, Preserving Alameda County Housing, Inc. (PACH), to apply for a scholarship that can be used to pay eligible expenses related to their education.

**DISCUSSION AND ANALYSIS**

This year, staff received 11 complete applications for the 2022 HACA Scholarship Program and 5 applications for the 2022 Donald C. Biddle Memorial Scholarship. The applications, shown below by city of residence, were submitted to your Commission’s Scholarship Committee (Commissioners Hannon, Finley, and Kumagai) for their review.

**2022 HACA SCHOLARSHIPS**

CITY OF RESIDENCE	# OF APPLICATIONS
Emeryville	1
Hayward	2
Pleasanton	2
San Leandro	2
Union City	4

**2022 DONALD C. BIDDLE MEMORIAL SCHOLARSHIP AWARD**

CITY OF RESIDENCE	# OF APPLICATIONS
Emeryville	1
Hayward	1
San Leandro	1
Union City	2

A virtual meeting with the HACA Scholarship Committee is scheduled for September 13<sup>th</sup> to discuss the Committee’s selections and recommendations for awards. Staff will provide a copy of the award recommendations to your Commission and share a copy at the September meeting.

**PROGRAM ACTIVITY**  
**REPORT**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting Date: September 14, 2022

Subject: Programs Activity Report

Exhibits Attached: Section 8 Contract and Housing Assistance Payments (HAP) Report; Section 8 Average Contract Rent Report; FSS Program Monthly Report

Recommendation: Receive Report

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**SECTION 8 HOUSING CHOICE VOUCHERS (HCV)**

- **Lease-Up:** The below chart provides the number of Section 8 HCV program units under contract. This number includes HACA vouchers and portability clients for which we are being billed by the receiving housing authority but excludes portability clients for which we are billing the initial housing authority.

9/1/2022	9/1/2021	9/1/2020
6,751	6,447	6,088

- **HCV Program Utilization:** The below chart provides the average HAP subsidy, average tenant-paid portion, and average contract rent. These amounts include HACA vouchers, but do not include incoming and outgoing portability clients.

	9/1/2022	9/1/2021	9/1/2020
Average HAP Subsidy	\$1,760	\$1,747	\$1,757
Average Tenant-Paid Rent	\$587	\$559	\$529
Average Contract Rent	\$2,346	\$2,306	\$2,289

- ❖ The below chart provides the outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority’s jurisdiction) and incoming portability contracts where HACA billed other housing authorities.

	9/1/2022	9/1/2021	9/1/2020
Outgoing Billed Portability Contracts	86	80	152
Incoming Portability Contracts	30	139	432

- ❖ PACH has 230 project-based voucher (PBV) units. The chart below provides the number of these units that are leased.

9/1/2022	9/1/2021	9/1/2020
221	224	227

- **Section 8 Contract Reports:** Copies of the Contract Reports are attached. The Section 8 Contract and HAP Report includes HACA certificates, HACA vouchers and portability clients for which we are billing the initial housing authority. The Section 8 Average Contract Rent Report includes HACA vouchers and portability clients for which we are billing the initial housing authority.
- **Landlord Rental Listings:** As of September 1, 2022, there were 44 active properties listed.

	10/1/21	11/1/21	12/1/21	1/3/22	2/7/22	3/1/22	4/4/22	5/2/22	6/1/22	7/5/22	7/29/22	9/1/22
Units	51	54	50	44	49	42	37	47	40	49	41	44

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**  
**Section 8 Contract and HAP Report for the Month of: September 2022**

City	Certificates		Vouchers		SEPTEMBER 2022 TOTAL		SEPTEMBER 2021	SEPTEMBER 2020
	Number	HAP*	Number	HAP**	Number	HAP		
	based on avg: \$2,051		based on avg: \$1,761					
Albany	0	\$0	10	\$17,610	10	\$17,610	12	12
Castro Valley	3	\$6,153	239	\$420,879	242	\$427,032	231	226
Dublin	3	\$6,153	417	\$734,337	420	\$740,490	410	403
Emeryville	4	\$8,204	157	\$276,477	161	\$284,681	157	155
Fremont	21	\$43,071	1,234	\$2,173,074	1,255	\$2,216,145	1,162	1,106
Hayward	40	\$82,040	1,862	\$3,278,982	1,902	\$3,361,022	1,842	1,882
Newark	6	\$12,306	227	\$399,747	233	\$412,053	226	227
Pleasanton	3	\$6,153	300	\$528,300	303	\$534,453	282	248
San Leandro	16	\$32,816	1,371	\$2,414,331	1,387	\$2,447,147	1,304	1,320
San Lorenzo	2	\$4,102	178	\$313,458	180	\$317,560	176	180
Union City	12	\$24,612	705	\$1,241,505	717	\$1,266,117	696	701
<b>TOTALS</b>	<b>110</b>	<b>225,610</b>	<b>6,700</b>	<b>11,798,700</b>	<b>6,810</b>	<b>12,024,310</b>	6,498	6,460

\* Based on an average September Housing Assistance Payment (HAP) of \$2,051 per certificate contract

\*\*Based on an average September Housing Assistance Payment (HAP) of \$1,761 per voucher contract



**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**  
**Section 8 Average Contract Rent Report for the Month of September 2022**

<b>City</b>	<b>Number of HAP Contracts (HCV Only)</b>	<b>Average Contract Rent</b>	<b>Average HAP Paid by HACA</b>	<b>Average Rent Paid by Family</b>	<b>Average Family-Paid Rent as a Percentage of Average Contract Rent</b>
Albany	10	\$1,657	\$1,310	\$347	21%
Castro Valley	239	\$2,361	\$1,759	\$603	26%
Dublin	417	\$2,348	\$1,776	\$575	24%
Emeryville	157	\$1,921	\$1,438	\$483	25%
Fremont	1,234	\$2,474	\$1,907	\$567	23%
Hayward	1,862	\$2,264	\$1,679	\$584	26%
Newark	227	\$2,655	\$1,899	\$756	28%
Pleasanton	300	\$2,181	\$1,680	\$500	23%
San Leandro	1,371	\$2,266	\$1,692	\$574	25%
San Lorenzo	178	\$2,564	\$1,893	\$671	26%
Union City	705	\$2,508	\$1,878	\$630	25%

\*Some rents may vary by \$1 due to rounding

This report includes HACA vouchers and portability clients for which we are billing the initial housing authority.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting Date: September 14, 2022

Subject: Family Self-Sufficiency Program Summary

Exhibits Attached: None

Recommendation: Receive Report

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**FSS PROGRAM NEWS**

**FSS Program Activities**

**Budgeting for Homeownership Workshop**

On Saturday, August 27, 2022, the FSS team partnered with A-1 Housing to present a workshop on budgeting for homeownership. Twenty-one (21) FSS participants attended the workshop. Topics including the following:

- Reducing debt and expenses
- How to budget the escrow award after FSS graduation
- Required savings and income amounts for home buying
- Saving for home repairs and additional expenses

**Back to School Event**

The FSS team held a drive through backpack giveaway for our FSS families. The backpacks were filled with school supplies. We were able to provide eighty-five (85) backpacks to school aged children from kindergarten through high school. Traditionally, we provide the backpacks to our FSS families at our Health and Resource Fair. The drive through event provided a safe way to provide school supplies to our participant families. The FSS team is grateful for the assistance we received from HACA staff that helped fill the backpacks with school supplies.

**FSS Participant Spotlight**

FSS participant and HCV program homeownership participant L. Munoz continues to achieve milestones in our FSS program. She purchased her home using HCV assistance in October of 2020. Subsequently, she earned an associate of arts degree last December and is in the process of completing an associate of science degree in Biology. She is currently working as a medical assistant and applying to nursing school in 2023. She recently passed the citizenship exam and is now a US citizen. She has accomplished all this while being a single mom of three, including a special needs child.



**FSS Program Summary**

<b>Program Summary</b>	<b>August 2022</b>
Total Clients Under Contract:	216
Graduates:	1
Escrow Disbursed:	\$2,019.15
Ports In:	0
Ports Out:	2
Terminations:	2
New Contracts:	0
Case Management Referrals:	29
Job Referrals:	58

# **ATTACHMENT A**

## **FSS Action Plan**



## Chapter 1

### THE FAMILY SELF-SUFFICIENCY PROGRAM AND THE FSS ACTION PLAN

#### INTRODUCTION

This chapter provides an overview of the family self-sufficiency (FSS) program and FSS action plan, including the purpose, organization, and required contents of the FSS action plan.

Part I: The Family Self-Sufficiency (FSS) Program and FSS Action Plan: This part provides an overview of the family self-sufficiency program and the purpose of the FSS action plan.

Part II: Requirements of the FSS Action Plan: This part covers action plan requirements, including development, revision, and contents of the action plan. It also contains information on family demographics, which is part of the required contents of the action plan.

## **PART I: THE FAMILY SELF-SUFFICIENCY (FSS) PROGRAM AND FSS ACTION PLAN**

### **1-I.A. OVERVIEW OF THE FAMILY SELF-SUFFICIENCY PROGRAM**

The origins of the FSS program are in two pilot projects implemented in 1986 and 1990, Project Self-Sufficiency and Operation Bootstrap, respectively. These projects were set up to test self-sufficiency programs for families with housing subsidies, and both demonstrated that families needed essential services to move toward economic self-sufficiency. These services include child care, transportation, medical care, and long-term education and training.

In the wake of the successful demonstration of these projects, family self-sufficiency became one of the initiatives under the Homeownership and Housing Opportunities for People Everywhere (HOPE) program enacted in 1990, and the FSS program was subsequently created under the National Affordable Housing Act the same year.

FSS built upon and refined both Project Self-Sufficiency and the Bootstrap program. It remained a voluntary program in 1991 and 1992 but became mandatory in 1993 for any new increments of funding issued to PHAs. The 1993 regulations were further modified by the Quality Housing and Work Responsibility Act of 1998 (QHWRA). In 2018, expansive changes were made to the FSS program by the Economic Growth, Regulatory Relief, and Consumer Protection Act known as “the Economic Growth Act” or “the Act.”

The purpose of the FSS program is to coordinate housing assistance with public and private resources to enable assisted families to achieve economic self-sufficiency. The purpose and basic requirements of the FSS program are further elaborated upon in Chapter 2.

This family self-sufficiency program is administered by the Housing Authority of the County of Alameda for the jurisdiction of the county of Alameda excluding the cities of Alameda, Oakland, Berkeley and Livermore.

### **1-I.B. APPLICABLE REGULATIONS**

Applicable regulations for Section 8 and public housing FSS programs include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Public Housing Admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Leased Projects—General Provisions
- 24 CFR Part 966: Public Housing Lease and Grievance Procedures
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 984: Section 8 and Public Housing Family Self-Sufficiency Program

### **1-I.C. THE FAMILY SELF-SUFFICIENCY ACTION PLAN**

The family self-sufficiency (FSS) action plan is required by HUD. The purpose of the FSS action plan is to establish policies for conducting the family self-sufficiency program in a manner consistent with HUD requirements and local goals and objectives contained in the PHA's Agency Plan. This FSS action plan is a supporting document to the PHA Agency Plan and is available for public review as required by 24 CFR Part 903.

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

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

Administration of the FSS program and the functions and responsibilities of PHA staff shall comply with the PHA's personnel policy and HUD's family self-sufficiency regulations, as well as all Section 8 and public housing regulations, in addition to federal, state, and local fair housing laws and regulations.



## PART II: REQUIREMENTS OF THE FSS ACTION PLAN

### 1-II.A. OVERVIEW

A PHA must have a HUD-approved action plan before implementing an FSS program, regardless of whether the FSS program is a mandatory or voluntary program. Further, this action plan must comply with the requirements specified for the plan in the regulations [24 CFR 984.201(a)].

The regulatory requirements dealing specifically with the FSS action plan itself largely involve the development, revision, and required contents of the action plan. This part covers those requirements.

### 1-II.B. HUD APPROACH TO POLICY DEVELOPMENT

In developing policy for the FSS action plan, PHAs need to be aware of the distinction HUD makes between mandatory and discretionary policies.

- *Mandatory policies* are those driven by legislation, regulations, current handbooks, notices, and legal opinions.
- *Discretionary policies* consist of those developed for areas in which the PHA has regulatory discretion, or regarding optional, nonbinding guidance including guidebooks, notices that have expired, and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory regulations and to make clear the optional policies the PHA has adopted. The PHA's FSS action plan is the foundation of those policies and procedures for the FSS program. HUD's directions require PHAs 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 a 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 PHAs should carefully consider those decisions.

## **1-II.C. FSS ACTION PLAN DEVELOPMENT AND REVISION**

### **Development of Action Plan [24 CFR 984.201(b) and (c)]**

When developing an FSS action plan, a PHA must do so in consultation with the chief executive officer of the applicable unit of general local government and the program coordinating committee (PCC).

For all voluntary or mandatory FSS programs, the PHA must submit its action plan and obtain HUD approval of the plan before it can implement the FSS program. This includes a voluntary program established because the PHA chose to implement an FSS program that exceeds the minimum size for a mandatory program (see Section 2-II.A. for a discussion of mandatory versus voluntary FSS programs).

### **Single Action Plan [24 CFR 984.201(f)]**

PHAs implementing both a Section 8 FSS program and a public or Indian housing FSS program may submit one action plan. In cases where the PHA decides to submit one plan for more than one program, the policies contained in the action plan would apply to both programs.

#### HACA Policy

HACA is implementing an HCV FSS program and will submit one action plan, the policies in which apply to the HCV FSS program. This includes tenant-based and project-based Section 8, HCV Homeownership, Moderate Rehabilitation, Moderate Rehabilitation Single Room Occupancy, Family Unification Program (FUP), and Foster Youth to Independence Initiative (FYI).

### **Revision to the FSS Action Plan [24 CFR 984.201(c)(2)]**

Following HUD's initial approval of the action plan, no further approval of the action plan is required unless the PHA proposes to make policy changes to the action plan, increase the size of a voluntary program, or revise the FSS action plan as needed to comply with changes in HUD regulations. The PHA must submit any changes to the action plan to HUD for approval.

#### HACA Policy

HACA will review and update the action plan as needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

## **1-II.D. CONTENTS OF THE PLAN [24CFR 984.201(d)]**

HUD regulations state that there are several components that must be included in the FSS action plan. At a minimum, the action plan must cover the policies and procedures of the PHA for operation of a local FSS program as follows:

- Family demographics, including a description of the number, size, characteristics, and other demographics such as racial and ethnic data, in addition to the supportive service needs of the families expected to participate in the program. (Chapter 1)
- Estimate of participating families, which means the number of families which can reasonably be expected to receive supportive services under the FSS program. (Chapter 2)
- Eligible families from any other local self-sufficiency program who are expected to agree to executing an FSS contract of participation. (Chapter 2)
- A statement of the PHA's FSS family selection procedures, including a description of how the procedures ensure that families are selected without regard to race, color, religion, disability, sex, familial status, or national origin. (Chapter 4)
- A description of the incentives that the PHA intends to offer to families to encourage participation in the FSS program (an incentives plan), including the establishment of the escrow account. (Chapter 4)
- Outreach efforts, which include a description of the PHA's efforts to recruit eligible families, the actions the PHA will take to ensure that both minority and nonminority groups are informed about the FSS program, and how the PHA will make this information known. (Chapter 4)
- A description of the FSS activities and supportive services to be provided by both public and private resources to FSS families, and identification of these public and private resources. (Chapter 4)
- A description of the PHA's method for identifying family support needs, including how the PHA will identify the needs and deliver the services. (Chapter 4)
- A description of the PHA's policies regarding program termination or withholding of services based on a family's failure to comply with the FSS contract, and available grievance procedures. (Chapter 5)
- Assurances of noninterference with rights of non-participating families which state that a family's election to not participate in the FSS program will not affect the family's admission to the Section 8 or public housing program, nor will it affect their right to occupancy in accordance with its lease. (Chapter 4)
- A timetable for implementation of the FSS program, including the schedule for filling FSS slots with eligible FSS families. (Chapter 2)

- A certification that development of the services and activities under the FSS program has been coordinated with programs under Title I of the Workforce Innovation and Opportunity Act, other relevant employment, childcare, transportation, training, education, and financial empowerment programs in the area, and will continue to be coordinated to avoid duplication of services and activities.

**Optional Additional Information [24 CFR 984.201(d)(13)].**

- HUD encourages additional information in the action plan that would help to determine the soundness of the PHAs proposed FSS program.

HACA Policy

The PHA will submit additional optional information in this action plan that will help HUD determine the soundness of the proposed FSS program.

This information includes:

Policies related to the modification of goals in the ITSP. (Chapter 5)

Policies on the circumstances in which an extension of the contract of participation may be granted. (Chapter 5)

Policies on the interim disbursement of escrow, including any limitations on the use of the funds. (Chapter 6)

Policies regarding eligible uses of forfeited escrow funds by families in good standing. (Chapter 6)

Policies regarding the re-enrollment of previous FSS participants, including graduates and those who exited the program without graduating. (Chapter 4)

Policies on requirements for documentation for goal completion. (Chapter 4)

Policies on documentation of the household's designation of the "head of FSS family." (Chapter 4)

Policies for providing an FSS selection preference for porting families if the PHA elects to offer such a preference. (Chapter 7)

**1-II.E. FAMILY DEMOGRAPHICS [24 CFR 984.201(d)(1)]**

As part of the required contents of the FSS action plan, family demographics of the Section 8 and public housing program participants serve to provide a description of the number, size, characteristics, and other descriptive data (including racial and ethnic data of those participants). These data may later be used to help the housing authority and the program coordinating committee (PCC) to identify supportive service needs of the families expected to participate in the FSS program.

HACA Policy

<b>Section 8 and Public Housing</b>	<b>Total Families</b>	<b>Percent of Total</b>
<b>All Families</b>		
Single	27	12%
Female HOH	201	92%
Male HOH	17	8%
<b>Race</b>		
White	24	11%
Black/African American	183	84%
American Indian/Alaska Native	1	1%
Asian	6	3%
Native Hawaiian/Other Pacific Islander	1	1%
<b>Ethnicity</b>		
Hispanic or Latino	14	6%
Not Hispanic or Latino	204	94%
<b>Income</b>		
Extremely Low-Income	102	48%
Very Low-Income	65	30%
Low-Income	47	22%
HOH Income from Wages	159	73%
Other Member Income from Wages	340	50%
HOH Income from TANF	70	32%
Other Member Income from TANF	174	26%
HOH Income from SSI	59	27%
Other Member Income from SSI	132	20%

<b>Number of Children</b>		
0	83	38%
1-2	93	43%
3-4	39	18%
5 or more	3	1%
<b>Total Number of Family Members</b>		
1-2	94	43%
3-4	89	41%
5 or more	35	16%
<b>Persons with Disabilities</b>		
HOH Person w/ Disabilities (HUD)	54	25%
Family Members w/ Disabilities	51	8%

## Chapter 2

### PURPOSE, SCOPE, AND APPLICABILITY OF THE FAMILY SELF-SUFFICIENCY PROGRAM

#### INTRODUCTION

This chapter contains information about the FSS program's purpose, size, and measurable objectives as well as information on program operation. This includes potential participant demographics, the program timetable, the number of families to be served, and the size of the PHA's voluntary FSS program. This chapter also contains definitions of the key terms in this FSS action plan.

Part I: The Purpose and Basic Requirements of the FSS program: This part includes a description of the purpose of the FSS program on a national level—its intent, goal, and major strategies.

Part II: The Scope of the FSS program: This part contains information about housing assistance programs eligible to participate in FSS, the size of the PHA's FSS program, an estimate of participating families, eligible families from other self-sufficiency programs, and eligibility for combined FSS programs.

Part III: Program Operation: This part specifies the requirements for FSS program operation, including voluntary FSS program implementation.

Part IV: The Definitions of Terms Used in the PHA's FSS program: This section contains both HUD and PHA definitions for terms used in this policy document.

## **PART I: PURPOSE AND BASIC REQUIREMENTS OF THE FSS PROGRAM**

### **2-I.A. PURPOSE**

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of Section 8 and public housing assistance programs with public and private resources enabling families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency [984.101(a)(1)].

In addition to this broader national goal of the FSS program, the PHA also establishes a local goal consistent with the PHA's mission statement to serve as a guide for establishing policy and implementing the FSS program.

#### HACA Policy

The PHA's local goal in operating this FSS program is to match housing-assisted families with a broad range of highly collaborative existing community services to assist FSS families in achieving economic self-sufficiency. *Economic self-sufficiency* is defined as having the sustainable skills necessary to maintain employment paying a "living wage." This wage would pay for the family's basic needs without the use of government subsidies.

### **2-I.B. PROGRAM OBJECTIVES [24 CFR 984.102]**

In order to reach the FSS national program goal, HUD has defined its FSS program objective as to reduce the dependency of low-income families on welfare assistance and on housing subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance while living in assisted housing so that they may obtain the education, employment, business and social skills necessary to achieve self-sufficiency. As with the goals of the program, FSS program objectives are defined on the national level through FSS regulation, and on the local level by PHA policy.

#### HACA Policy

On the local level, the PHA will achieve the national program objective by offering low-income families a broad range of services through partnering with the program coordinating committee (PCC). These services will provide long-term education, job training, counseling, and other forms of social service assistance so that families may achieve economic self-sufficiency, as defined in Section 2-I.A. of this document.

### **2-I.C. BASIC REQUIREMENTS OF THE FSS PROGRAM [24 CFR 984.104]**

An FSS program established under 24 CFR Part 984 must operate in conformity with the regulations and this FSS action plan (as required in 24 CFR 984.201, provide comprehensive supportive services as defined in 24 CFR 984.103, and operate in compliance with nondiscrimination and equal opportunity requirements.



## **PART II: SCOPE OF THE FSS PROGRAM**

### **2-II.A. HOUSING-ASSISTED FAMILIES ELIGIBLE TO PARTICIPATE IN FSS**

The Section 8 and public housing programs through which families are eligible to participate in the FSS program was expanded by the 2018 Economic Growth Act to allow participants in HCV Homeownership, Moderate Rehabilitation, Moderate Rehabilitation Single Room Occupancy, and Family Unification Program (FUP), including the Foster Youth to Independence (FYI) Initiative.

### **2-II.B. PHAs REQUIRED TO OPERATE AN FSS PROGRAM**

Each PHA that received funding for public housing units under the FY 1991 and FY 1992 FSS incentive award competitions must operate a public housing FSS program. Each PHA that received funding for Section 8 rental certificates or vouchers under the combined FY 1991/1992 FSS incentive award competition also must operate a Section 8 FSS program.

In addition, unless the PHA receives an exemption under 24 CFR 984.105, each PHA for which HUD reserved funding (budget authority) for additional rental certificates or vouchers in FY 1993 through October 20, 1998, must operate a Section 8 FSS program. Each PHA for which HUD reserved funding (budget authority) to acquire or construct additional public housing units in FY 1993 through October 20, 1998, must operate a public housing FSS program as well.

Every PHA that was required to administer an FSS program on May 24, 2018 (the enactment date of the Economic Growth, Regulatory Relief, and Consumer Protection Act) must continue to operate that FSS program for the total number of families determined by HUD on that date unless the PHA receives an exception as described in 24 CFR 984.105(d).

#### **Mandatory Minimum Program Size (MMPS) [24 CFR 984.105]**

PHAs that are required to operate an FSS program under 24 CFR 984.101 are subject to a minimum program size requirement.

##### HACA Minimum Program Size

HACA completed mandatory program size requirements on June 17, 2022.

##### ***Maintaining Mandatory Minimum Program Size***

Although the discretion to do so ultimately rests with the PHA, mandatory minimum program size can decrease as FSS participants successfully complete the program. Per the regulation, for each family that completes the program by fulfilling its FSS contract of participation on or after May 24, 2018, the mandatory minimum program size for a PHA's FSS program is reduced by one slot. However, if an FSS slot is vacated by a family that has not completed its FSS contract of participation obligations, the slot must be filled by a replacement family which has been selected in accordance with the FSS family selection procedures [24 CFR 984.105(b)(2)].

##### HACA Policy

HACA completed mandatory program size requirements on June 17, 2022.

### ***Option to Operate Larger FSS Program***

A PHA may choose to operate an FSS program of a larger size than the minimum required by HUD [24 CFR 984.105(a)(3)].

#### **HACA Policy**

HACA completed mandatory program size requirements June 17, 2022.

### ***Exception to Program Operation [24 CFR 984.105(c)]***

The requirement to establish and carry out an FSS program may be waived with approval from HUD. In order to waive the requirement, the PHA must provide a certification to HUD that the establishment and operation of an FSS program is not feasible because of a lack of accessible supportive services funding, a lack of the availability of programs under the Workforce Innovation and Opportunity Act, a lack of funding for reasonable administrative costs, a lack of cooperation by other units of state or local government, or a lack of interest in participating in the FSS program on the part of eligible families.

An exception will not be granted if HUD determines that local circumstances do not preclude the PHA from effectively operating an FSS program that is smaller than the minimum program size.

### ***Reduction in Program Size***

Rather than a full exception to program operation, a PHA may also be permitted to operate an FSS program that is smaller than the minimum program size. As with the full exception, HUD may grant the PHA such a partial exception if the PHA provides to HUD a certification that the operation of an FSS program of the minimum program size is not feasible because of a decrease in or lack of accessible supportive services [24 CFR 984.105(d)].

### ***Expiration of Exception***

The approval for a full or partial exception to the FSS minimum program size requirement expires five years from the date of HUD approval of the exception. If a PHA seeks to continue an exception after its expiration, the PHA must submit a new request and a new certification to HUD for consideration [24 CFR 984.105(e)].

## **2-II.C. COOPERATIVE AGREEMENTS [24 CFR 984.106]**

A PHA may enter into a Cooperative Agreement with one or more multifamily-assisted housing owners to voluntarily make the PHA's FSS program available to the owner's housing tenants. The Cooperative Agreement must include all the requirements for such agreements found in 24 CFR 984.106 and 24 CFR 887.107.

### **HACA Policy**

The PHA will not enter into a Cooperative Agreement with multifamily-assisted housing owner(s) to voluntarily make its FSS program available to those owner's housing residents.

## **2-II.D. ESTIMATE OF PARTICIPATING FAMILIES [24 CFR 984.201(d)(2)]**

The PHA must state the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program based on available and anticipated federal, tribal, state, local, and private resources.

### HACA Policy

At least 175 up to 225 eligible FSS families can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated federal, tribal, state, local, and private resources.

## **2-II.E. ELIGIBLE FAMILIES FROM OTHER SELF-SUFFICIENCY PROGRAMS [24 CFR 984.201(d)(3)]**

If applicable, the PHA must enter the number of families, by program type, who are participating in any other local housing self-sufficiency program who are expected to agree to execute an FSS contract of participation.

### HACA Policy

The PHA does not operate other self-sufficiency programs and therefore no additional families from other programs are expected to execute an FSS contract of participation.

## **2-II.F. ELIGIBILITY OF A COMBINED PROGRAM [24 CFR 984.201(e)]**

A PHA that wishes to operate a joint FSS program with other PHAs or owners of multifamily-assisted housing may combine its resources with one or more of these entities to deliver supportive services under a joint action plan that will provide for the establishment and operation of a combined FSS program that meets the requirements of this part.

### HACA Policy

The PHA will not combine its resources with any other PHA to deliver support services, have a joint action plan, or establish or operate a combined FSS Program.

## **PART III: PROGRAM OPERATION**

### **2-III.A. OVERVIEW**

Federal regulations specify requirements for FSS program operation regarding deadlines for program start-up and when the PHA is expected to have attained full enrollment. A timetable illustrating when the PHA intends to meet these deadlines is included as part of the required contents of the action plan.

### **2-III.B. PROGRAM IMPLEMENTATION DEADLINE**

The deadlines for program implementation differ depending on whether the FSS program is voluntary or mandatory.

#### **Voluntary Program [24 CFR 984.301(a)]**

There is no deadline for implementation of a voluntary program. However, a voluntary program may not be implemented before the requirements specified in 24 CFR 984.201 have been satisfied (see Sections 1-II.A.–1-II.D.).

**2-III.C. TIMETABLE FOR PROGRAM IMPLEMENTATION [24 CFR 984.201(d)(13)]**

A timetable for implementation of the FSS program is part of the required contents of the FSS action plan.

HACA Policy

For voluntary programs, the PHA will implement the FSS program within one year from the date of approval of either the FSS action plan by the HUD field office, or within the time identified in the applicable FSS funding contract with HUD.

For mandatory FSS programs, the PHA has the obligation to continue to fill their mandatory FSS slots effective May 24, 2018, as determined by the HUD field office.

The PHA will implement its FSS program according to the following timetable:

<b>Activity</b>	<b>Month and Date</b>
Establish PCC	December 1991
Conduct Program Needs Assessment	December 1991
Resource Identification	December 1991
Establish Policies	December 1991
Design Service Delivery	December 1991
Develop Administrative Procedures	December 1991
Begin Service Delivery	December 1991
Conduct Outreach	December 1991
Conduct Orientations	December 1991
Conduct Individual Needs Assessment	December 1991
Begin Contracting	December 1991
Complete Contracting	December 1991

## PART IV: DEFINITIONS

### 2-IV.A. DEFINITIONS [24 CFR 984.103]

The terms *1937 Act*, *fair market rent*, *HUD*, *low-income family*, *public housing*, *public housing agency (PHA)*, *secretary*, and *Section 8*, as used in this document are defined in the 24 CFR Part 5.

The term *very low-income family* is defined in 24 CFR 813.102 and 24 CFR 913.102.

The terms used in this document have the following definitions as defined by 24 CFR 984.103 and this family self-sufficiency action plan.

*Baseline annual earned income* means the FSS family's total annual earned income from wages and business income (if any) as of the effective date of the FSS contract. When calculating baseline annual earned income, all applicable exclusions of income must be applied, *except for* any disregarded earned income or other adjustments associated with self-sufficiency incentives that may apply to the determination of annual income.

*Baseline monthly rent* means 1) the FSS family's total tenant payment (TTP), as of the effective date of the FSS contract, for families paying an income-based rent as of the effective date of the FSS contract; or 2) the amount of the flat or ceiling rent (which includes the applicable utility allowance), and including any hardship discounts, as of the effective date of the FSS contract. For families paying a flat or ceiling rent this is as of the effective date of the FSS contract.

#### HACA Policy

*Benefits* means a government benefit of money or monetary value given to an individual by a federal, state, or local government agency for purposes of financial assistance, including but not limited to, Medicaid, supplemental nutritional assistance program benefits and Social Security, Temporary Assistance for Needy Families, and unemployment compensation benefits.

#### HACA Policy

*Benefits cliff* means the sudden and often unexpected decrease in public benefits that can occur with a small increase in earnings. When income increases, families sometimes lose some or all economic supports.

#### HACA Policy

*Certain interim goals* means the family has met all its obligations under the CoP to date, including completion of the ITSP interim goals and tasks to date. HACA provides no interim disbursements from the FSs escrow account.

*Certification* means a written assertion based on supporting evidence, provided by the FSS family or the PHA or owner, which must be maintained by the PHA or owner in the case of the family's certification, or by HUD in the case of the PHA's or owner's certification. These must be made available for inspection by HUD, the PHA or owner, and the public, when appropriate. In addition, these will be considered accurate unless the Secretary or the PHA or owner, as applicable, determines otherwise after inspecting the evidence and providing due notice and opportunity for comment.

*Chief executive officer (CEO)* means the CEO of a unit of general local government who is the elected official or the legally designated official having primary responsibility for the conduct of that entity's governmental affairs.

*Contract of participation (CoP)* means a contract in a form approved by HUD, entered into between a participating FSS family and a PHA operating an FSS program that sets forth the terms and conditions governing participation in the FSS program. The contract of participation includes all individual training and services plans entered in between the PHA and all members of the family who will participate in the FSS program, and which plans are attached to the contract of participation as exhibits. For additional detail, see 24 CFR 984.303.

*Current annual earned income* means the FSS family's total annual earned income from wages and business income (if any) as of the most recent reexamination of income, which occurs after the effective date of the FSS contract. When calculating current annual earned income, all applicable exclusions of income will apply, including any disregarded earned income and other adjustments associated with self-sufficiency incentives or other alternative rent structures that may be applicable to the determination of annual income.

*Current monthly rent* means either the FSS family's TTP as of the most recent reexamination of income, which occurs after the effective date of the FSS contract, for families paying an income-based rent as of the most recent reexamination of income; or the amount of the flat rent, including applicable utility allowance or ceiling rent. This amount must include any hardship discounts, as of the most recent reexamination of income, which occurs after the effective date of the FSS contract, for families paying a flat rent or ceiling rent as of the most recent reexamination of income.

*Earned income* means income or earnings included in annual income from wages, tips, salaries, other employee compensation, and self-employment. Earned income does not include any pension or annuity, transfer payments, any cash or in-kind benefits, or funds deposited in or accrued interest on the FSS escrow account established by a PHA on behalf of a participating family.

*Effective date of contract of participation* means the first day of the month following the month in which the FSS family and the PHA entered into the contract of participation.

*Eligible families* for the FSS program means current participants in Section 8, residents of public housing, or residents in multifamily-assisted housing if a Cooperative Agreement exists.

#### HACA Policy

*Enhance the effectiveness of the FSS program* means a demonstrable improvement in the quality of an FSS program in which the enrollment ratio, escrow balance average, and graduation rate is at or above the national average as measured in HUD's Composite Scores in FR Notice 11/15/18.

*Enrollment* means the date that the FSS family entered the contract of participation with the PHA.



*Family self-sufficiency program* or *FSS program* means the program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the 1937 Act.

*FSS escrow account* means the FSS escrow account authorized by section 23 of the 1937 Act.

*FSS escrow credit* means the amount credited by the PHA to the participating family's FSS account.

*FSS family* means a family that receives Section 8 assistance or resides in public housing (section 9), that elects to participate in the FSS program, and whose designated adult member (head of FSS family) has signed the CoP.

*FSS family in good standing* means an FSS family that is in compliance with their FSS CoP, has either satisfied or are current on any debts owed the PHA or owner, and is in compliance with the regulations in 24 CFR Part 5 regarding participation in the relevant rental assistance program.

*FSS-related service program* means any program, publicly or privately sponsored, that offers the kinds of supportive services described in the definition of *supportive services*.

*FSS slots* refer to the total number of public housing units or the total number of rental vouchers that comprise the minimum size of a PHA's respective Section 8 and public housing FSS program.

*FSS Program Coordinator* means the person(s) who runs the FSS program. This may include (but is not limited to) performing outreach, recruitment, and retention of FSS participants; goal setting and case management/coaching of FSS participants; collaborating with the community and service partners; and tracking program performance.

*FY* means federal fiscal year (starting with October 1, and ending September 30, and designated by the calendar year in which it ends).

*Head of FSS family* means the designated adult family member of the FSS family who has signed the CoP. The head of FSS family may, but is not required to be, the head of the household for purposes of determining income eligibility and rent.

*Individual Training and Services Plan (ITSP)* means a written plan that is prepared by the PHA or owner in consultation with a participating FSS family member (the person with for and whom the ITSP is being developed), and which describes the final and interim goals for the participating FSS family member, the supportive services to be provided to the participating FSS family member, the activities to be completed by that family member, and the agreed upon completion dates for the goals, and activities. Each ITSP must be signed by the PHA or owner and the participating FSS family member and is attached to and incorporated as part of the CoP. An ITSP must be prepared for each adult family member who elects to participate in the FSS program, including the head of FSS family who has signed the CoP.

### HACA Policy

*Knowledgeable professional* means a person who is knowledgeable about the situation, has training, education, certification, or licensure provided by recognized professional associations and institutions that legitimizes their professional opinion, is competent to render a professional opinion, and is not able to gain, monetarily or otherwise, from the PHA FSS program decision in the area to which they are certifying.

*Multifamily-assisted housing, also known as project-based rental assistance (PBRA)*, means rental housing assisted by a Section 8 Housing Payments Program, pursuant to 24 CFR Parts 880, 881, 883, 884, and 886.

### HACA Policy

*Other costs related to achieving obligations in the contract of participation* means any costs necessary to complete an interim goal, a final goal, or tasks related to such in the ITSP.

*Owner* means the owner of multifamily-assisted housing.

*Participating family* is defined as *FSS family* in this section.

*Program coordinating committee (PCC)* means the committee described in 24 CFR 984.202.

*Public housing* means housing assisted under the 1937 Act, excluding housing assisted under Section 8 of the 1937 Act.

*Section 8* means assistance provided under Section 8 of the 1937 Act (42 U.S.C. 1437f). Specifically, multifamily-assisted housing, as defined in this section; tenant-based and project-based rental assistance under section 8(o) of the 1937 Act; the HCV homeownership option under section 8(y) of the 1937 Act; Family Unification Program (FUP) assistance under section 8(x) of the 1937 Act; and the Section 8 Moderate Rehabilitation (Mod Rehab) for low-income families and Moderate Rehabilitation Single Room Occupancy (Mod Rehab SRO) for homeless individuals under 24 CFR part 882.

*Self-sufficiency* means that an FSS family is no longer receiving Section 8, public housing assistance, or any federal, state, or local rent or homeownership subsidies or welfare assistance. Achievement of self-sufficiency, although an FSS program objective, is not a condition for receipt of the FSS account funds.

### HACA Policy

*Supports* means, costs related to achieving obligations outlined in the CoP, including funds for emergency transportation services, emergency child care services, education and training and employment preparation, and training for FSS Program Coordinators.

*Supportive services* mean those appropriate services that a PHA will coordinate on behalf of an FSS family under a CoP. These may include child care of a type that provides sufficient hours of operation and serves an appropriate range of ages; transportation necessary to enable a participating family to receive available services or to commute to their places of employment; remedial education; education for completion of secondary or post-secondary schooling; job training, preparation, and counseling; job development and placement; follow-up assistance after job placement and completion of the contract of participation; substance/alcohol abuse treatment and counseling; training in homemaking and parenting skills; and personal welfare services that include substance/alcohol abuse treatment and counseling, and health, dental, mental health and health insurance services; household management; money management; counseling regarding homeownership or opportunities available for affordable rental and homeownership in the private housing market (including information on an individual's rights under the Fair Housing Act) and financial empowerment that may include financial literacy, coaching, asset building, money management; and any other services and resources, including case management and reasonable accommodations for individuals with disabilities, that the PHA may determine to be appropriate in assisting FSS families to achieve economic independence and self-sufficiency.

*Unit size* or *size of unit* refers to the number of bedrooms in a dwelling unit.

*Very low-income family* is defined as set out in 24 CFR 813.102

*Welfare assistance* means (for purposes of the FSS program only) income assistance from federal or state welfare programs and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance does not include nonrecurring, short-term benefits that are designed to deal with a specific crisis situation or episode of need, or are not intended to meet recurrent or ongoing needs and will not extend beyond four months; work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training); supportive services such as child care and transportation provided to families who are employed; refundable earned income tax credits; contributions to, and distributions from, individual development accounts under TANF; services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Social Security Act, to an individual who is not otherwise receiving assistance; amounts solely directed to meeting housing expenses; amounts for health care; food stamps and emergency rental and utilities assistance; and SSI, SSDI, or social security.

## Chapter 3

### PROGRAM ADMINISTRATION

#### INTRODUCTION

This chapter discusses administrative policies and practices as they are relevant to the activities covered in this plan. The policies and practices are discussed in two parts:

Part I: Staffing, Fees and Costs, and On-Site Facilities: This part describes identifying appropriate staff and contractors to operate the FSS program and provide the necessary direct services to FSS families. In addition, it describes how administrative fees, costs, and supportive services will be funded, and defines the use of on-site facilities.

Part II: The Program Coordinating Committee: This part covers the establishment of a program coordinating committee (PCC), which is a regulatory requirement in all FSS programs other than multifamily housing assistance. It describes required and recommended PCC membership, in addition to the option for an alternative committee.

## **PART I: STAFFING, FEES AND COSTS, AND ON-SITE FACILITIES**

### **3-I.A. OVERVIEW**

Several functions of program administration are crucial to running an FSS program. A PHA may need to employ a program coordinator or decide to contract with another organization to administer the program. In addition to staffing issues, PHAs should understand how program funding and expenses work to keep the program running smoothly. Finally, PHAs need to sort out whether and how to make common areas or unoccupied units available to provide supportive services.

### **3-I.B. PROGRAM ADMINISTRATION STAFF AND CONTRACTORS**

#### **[24 CFR 984.301(b)]**

PHAs have the choice between hiring their own staff and contracting with an outside organization to administer their FSS program. If the PHA should choose to employ its own staff, the staffing levels should be appropriate, and may include one or more FSS coordinators. If the PHA chooses to contract with an outside organization, the organization's staffing levels must likewise be appropriate to establish and administer the FSS program, and whether the organization's responsibilities would include managing the FSS account in accordance with federal regulations.

#### HACA Policy

The PHA will employ appropriate staff, including one or more FSS coordinators or program coordinators to administer its FSS program.

### **3-I.C. FSS PROGRAM COORDINATOR RESPONSIBILITIES**

#### **Primary Role of the FSS Program Coordinator**

The FSS Program Coordinator is responsible for building partnerships with service providers in the community, working with the Program Coordinating Committee (PCC) and local service providers to ensure that FSS program participants are linked to the supportive services they need to achieve self-sufficiency, preparing an Individual Training and Services Plan (ITSP) for the head of the FSS family and each adult member of the FSS family who elects to participate in the FSS program, making certain that the services included in the participants' CoP are provided on a regular, ongoing, and satisfactory basis, ensuring FSS participants are fulfilling their responsibilities under the CoPs, monitoring progress of participants, and establishing and properly maintaining FSS escrow accounts for eligible families. FSS coordinators may also provide outreach, recruitment, goal setting, case management and coaching for FSS participants, and tracking of FSS program performance.

FSS Program Coordinators funded under the FSS Coordinator Notice of Funding Opportunity (NOFO) may not perform the routine public housing or Section 8 program functions of housing eligibility, leasing, rent calculation, and portability that are funded through Section 8 administrative fees or public housing operating funds unless doing so would enhance the effectiveness of the program. If conducting these functions would enhance the effectiveness of the FSS program, the PHA must seek prior approval from HUD of those enhancements to the FSS program and certify that doing so will neither interfere with the FSS Coordinator's ability to fulfill their primary role nor be used to balance or fill in for gaps in traditional staffing.

Performance of routine Section 8 or public housing functions for non-FSS families does not enhance the effectiveness of the FSS program and is therefore an ineligible use of FSS funds [2021 FSS NOFO, p. 36].

#### HACA Policy

The PHA will not require the FSS Program Coordinator to perform the routine Section 8 or public housing program functions of housing eligibility, leasing, rent calculation, and portability that are funded through Section 8 administrative fees or public housing operating funds.

### **3-I.D. ADMINISTRATIVE FEES AND COSTS**

The Consolidated Appropriations Act of 2014 combined funding streams for the Section 8 and public housing FSS programs. FSS funding is now awarded through one NOFO. Use of this funding is no longer restricted to the applicable program and funding now may be used to serve both Section 8 and public housing FSS participants. Funding for FSS Coordinators salary, benefits, and training as well as limited administrative costs is awarded through a Grant Agreement and disbursed through HUD's Line of Credit Control System (LOCCS), rather than as an amendment to the PHA's Annual Contributions Contract (ACC). These funds are separate from other available funds that may be used.

#### **Section 8 FSS Program**

In the Section 8 programs, administrative fees are paid to PHAs for HUD-approved costs associated with the operation of an FSS program. These administrative fees are established by Congress and subject to appropriations [24 CFR 984.302(b)].

In addition, administrative fees for HUD-approved costs not specifically related to the operation of the FSS program may be used to cover these costs associated with the administration of FSS [see Notice PIH 93-24 E-7 and E-8].

See 24 CFR 982.152 and PIH 2022-18 for details on the eligible use of administrative fees.

#### HACA Policy

If resources are available, the PHA will make available funds from Section 8 Administrative Fees or HCV unrestricted net assets to cover the full cost of the FSS Coordinators salary if the HUD grant does not cover such.

#### **Public Housing FSS Program**

For public housing FSS programs, the performance funding system (PFS), provided under section 9(a) of the 1937 Act, provides for the reasonable and eligible administrative costs that the PHA incurs in carrying out the program only when funds have been appropriated. However, a PHA may use other resources for this purpose [24 CFR 984.302(a)].

In other words, the PHA may fund reasonable and eligible administrative costs in the FSS program from the Operating Fund. However, these expenses will only be reimbursed in the operating subsidy when a current appropriations act allows it. In addition, the PHA may fund reasonable and eligible administrative costs from the Capital Fund. Administrative staffing costs may also be funded through HUD or other grant or foundation sources. This includes FSS Coordinator grants when available.

#### HACA Policy

HACA does not administer a public housing program.

### **3-I.E. SUPPORTIVE SERVICES FEES AND COSTS**

#### **Section 8 FSS Supportive Services**

In the Section 8 program, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from unrestricted net position [see Notice PIH 93-24, E-3].

The PHA may seek additional funds from HUD through submitting grant applications or seek grants from other sources when available.

In addition to unrestricted net position and other grant sources, the FSS forfeited escrow account can fund FSS supportive services. See Section 6-I.E. for eligible supportive services costs.

#### **Public Housing FSS Supportive Services**

In public housing, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from the Operating Fund. However, the costs of FSS supportive services are only reimbursed through the operating subsidy when appropriations allow it.

FSS public housing supportive services can also be funded through other HUD grants or related government and foundation grants, when available.

##### HACA Policy

HACA does not administer a public housing program.

### **3-I.F. USE OF FORFEITED ESCROW ACCOUNTS FUNDS**

In addition to Section 8 unrestricted net assets, public housing operating funds, and other grant sources, the FSS forfeited escrow account funds must be used for the benefit of FSS participants, which includes supports and other costs for FSS participants in good standing. HUD does not provide an exhaustive list of these supports. However, the supports include, but are not limited to, transportation, childcare, training, testing fees, employment preparation costs, and other costs related to achieving obligations outlined in the contract of participation as well as training for FSS Program Coordinators.

##### HACA Policy

The PHA will use forfeited escrow accounts for training provided to FSS Coordinators.

The PHA will use forfeited escrow accounts for support and other costs for FSS participants in good standing when funds requested are needed for emergency transportation services, emergency childcare services, education and training, and employment preparation costs. See Chapter 2 Section 2-IV.A. Definitions.

The PHA will prioritize requests for funds from forfeited escrow accounts on a first come first served basis based on the date and time of the request.



## PART II: PROGRAM COORDINATING COMMITTEE

### 3-II.A. OVERVIEW

As another integral part of FSS program administration, each participating PHA must establish a program coordinating committee (PCC) whose functions will be to assist the PHA in securing commitments of public and private resources for the operation of the FSS program within the PHA's jurisdiction, including assistance in developing the action plan and in implementing the program [24 CFR 984.202(a)].

The PCC must consist of specific members, which are dependent upon whether the PHA is operating Section 8, public housing, or multifamily assisted housing FSS programs. In addition to these required members, the PCC may also include additional members recommended by regulation.

### 3-II.B. PROGRAM COORDINATING COMMITTEE MEMBERSHIP

#### Required PCC Membership [24 CFR 984.202(b)(1)]

The PCC required members consist of representatives of the PHA, including at least one FSS Program Coordinator, and one or more participants from each HUD rental assistance program (Section 8, public housing, or multifamily assisted housing) served by the PHA's FSS program.

#### HACA Policy

The PHA's representatives to the program coordinating committee will be *Special Programs Manager* and at least one FSS Program Coordinator and one or more participants from each of the housing programs in which there is an FSS program: Section 8, public housing, and multifamily assisted housing, as applicable.

#### Assistance in Identifying Potential PCC Members [24 CFR 984.202(b)(1)]

The PHA may seek assistance from area-wide, city-wide, or development-based resident councils, the resident management corporation, or the Resident Advisory Board, in identifying potential PCC members.

#### Recommended PCC Membership [24 CFR 984.202(b)(2)]

Membership on the PCC also may include representatives of the unit of general local government served by the PHA, local agencies (if any) responsible for carrying out employment training programs or programs funded under the Workforce Innovation and Investment Act, and other organizations, such as other state, local, or tribal welfare and employment agencies, public and private education or training institutions, child care providers, nonprofit service providers, private business, and any other public and private service providers with resources to assist the FSS program.

#### HACA Policy

The PHA's FSS program coordinating committee membership will include leadership from the following organizations: *See PCC representative organizations in Exhibit 3-I.*

### 3-II.C. ALTERNATIVE PCC

### COMMITTEE [24 CFR 984.202(c)]

It is also possible for the PHA, in consultation with the chief executive officer of the unit of general local government served by the PHA, to use an existing entity as the PCC, if the membership of the existing entity consists or will consist of the individuals required by regulation (See section 3-II.B. above).

HACA Policy

The PHA will not utilize an existing entity as its program coordinating committee.

**EXHIBIT 3-1: CHART FOR DETERMINING PCC MEMBERSHIP**

<b>Organization or Service Type</b>	<b>Organization Name</b>
Housing	Mercy Housing
GED and Educational Training	Five Keys
Job Training	Workforce Innovation and Opportunity Board and Centers
Job Search, Placement, Retention	Job Corps Eden Area One Stop
Health Care	Anthem Blue Cross Planned Parenthood Hospital
Homeownership	Operation Hope
Child Care	Child Family and Community Services
City, State, or County Government	Alameda County Social Services Child
Information and Referral Services	Eden Information and Referral

## Chapter 4

### SELECTING AND SERVING FSS FAMILIES

#### INTRODUCTION

FSS regulations require that the PHA include in its action plan a statement indicating how it will select families for participation in the FSS program. This includes outreach, waiting list management, and other selection procedures. When followed, the PHA's selection procedures ensure that families will be selected without regard to race, color, religion, sex, handicap, familial status, or national origin.

Once selected for participation in the FSS program, families are to be provided various activities and supportive services so that they may obtain the education, employment, business, and social skills necessary to achieve self-sufficiency. A description of such activities and supportive services is also a requirement of the FSS action plan.

This chapter contains three parts:

Part I: Incentives, Outreach, and Assurance of Noninterference: This part describes the incentives the PHA will offer and the outreach efforts the PHA will use to encourage participation and recruit eligible families for the FSS program and contains the required assurance of noninterference with the rights of nonparticipating families.

Part II: Family Selection: This part covers whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so. In addition, this part describes the selection factors the PHA will use in screening families for participation in the FSS program.

Part III: Activities and Support Services: This part lists the activities and supportive services to be provided to families through both public and private resources, describes the method the PHA will use to identify family support needs, and covers the required certification of coordination.

## **PART I: INCENTIVES, OUTREACH, AND ASSURANCE OF NONINTERFERENCE**

### **4-I.A. OVERVIEW**

The FSS program offers incentives such as the FSS escrow account, case management, coaching, and other supportive services that not only encourage participation, but also help families achieve self-sufficiency. In addition to encouraging program participation through such incentives, PHAs also conduct outreach to recruit FSS participants from among eligible families. As part of this process, families need to know that their choice as to whether to participate in the FSS program will not affect their admission to the Section 8 or public housing programs, nor will it affect their right to occupancy. This part describes the PHA's policies regarding these issues, all of which are required aspects of the FSS action plan.

#### 4-I.B. INCENTIVES FOR PARTICIPATION [24 984.201(d)(5)]

By regulation, the FSS action plan must include a PHA’s incentives plan—a description of the incentives that the PHA intends to offer eligible families to encourage their participation in the FSS program. The incentives plan provides for the establishment of the FSS escrow account, and any other incentives designed by the PHA.

##### HACA Policy

The PHA will offer the following services, as needed to complete obligations in the contract, to its FSS participants as incentives to participate in FSS.

<b>Incentive</b>	<b>Provided By</b>	<b>Description</b>
FSS escrow account	HACA	Escrow savings
Case management	HACA	All steps
Information on and referrals to services	HACA	Information and Referral
Workshops	Partners	Credit literacy Employment Financial Literacy Homeownership Interviewing Life Coaching Vision Board Will and Trusts
Fairs	Partners	Health, Employment Transportation
Holiday Event	Partners	Giving Connection Turkey Give Away
It’s Your Time to Shine	HACA	FSS Participant’s Accomplishments Gift cards Restaurants
Scholarships Opportunities	HACA	Scholarships Opportunities
Memorial Scholarship Opportunities	HACA	Memorial Scholarship Opportunities
NAHRO Scholarship Opportunities	NAHRO	Scholarship Opportunities

#### **4-I.C. OUTREACH EFFORTS [24 CFR 984.201(d)(6)(i)(ii)]**

In addition to offering incentives for FSS participation, PHAs also conduct outreach to recruit more FSS participants from eligible families. The FSS action plan must include a description of these efforts to recruit FSS participants, including notification and outreach, the actions the PHA will take to assure that both minority and nonminority groups are informed about the FSS program, and how the PHA will make this information known.

##### HACA Policy

The PHA will notify eligible families about the FSS program using the following outreach locations, activities, methods, and languages, where appropriate. These points of contact and methods have been selected to ensure that both minority and nonminority groups are informed about the FSS program.

#### **4-I.D. ASSURANCE OF NONINTERFERENCE WITH THE RIGHTS OF NONPARTICIPATING FAMILIES [24 CFR 984.201(d)(10)]**

A family's housing assistance or admission into assisted housing should never depend on whether they choose to participate in the FSS program, and PHAs need to make this known as part of the recruitment process. For this reason, the PHA's action plan must include an assurance that a family's decision to not participate in the FSS program will not affect the family's admission to the Section 8 or public housing programs, nor will it affect the family's right to occupancy in accordance with the lease.

##### HACA Policy

Participation in the FSS program is strictly voluntary. Section 8 participants and public housing residents will be notified in all literature and media presentations related to the FSS program that should they decide not to participate in the FSS program, it will not affect their Section 8 or public housing. This material will also specify that the family will retain the right to occupancy according to their lease and family obligations contract.

<b>Location/Activity</b>	<b>Staff/Partner</b>	<b>Method</b>	<b>Language</b>
Briefings	PHA FSS Coordinator	Brochure	Language Line
Orientations		Presentation	
Lobby	PHA Staff Receptionist	Banners Flyer Brochures	Language Line
Website	Website	Interest Card	Language Line

## **PART II: FAMILY SELECTION**

### **4-II.A. OVERVIEW**

The FSS action plan is required to contain a statement indicating the procedures for selecting families for FSS program participation, including a description of how the PHA will do so without regard to race, color, religion, sex (including actual or perceived gender identity), familial status, or national origin. This part describes these procedures, considering whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so, in addition to defining the factors the PHA will use in screening families for program participation.

### **4-II.B. FSS SELECTION PREFERENCES**

As part of the process for selecting families for participation in the FSS program, the PHA may choose whether to employ the use of preferences. If the PHA so chooses, it has the option of giving a selection preference for up to 50 percent of its FSS program slots to eligible families who have one or more family members currently enrolled in an FSS-related service program or who are on the waiting list for such a program. Such a preference may be further limited to participants in and applicants for one or more specific eligible FSS-related service programs.

Should the PHA choose to adopt such a preference, it would need to include the following information in its action plan:

- The percentage of FSS slots, not to exceed 50 percent of the total number of FSS slots for each of its FSS programs, for which it will give a selection preference
- The FSS related service programs to which it will give a selection preference to the programs' participants and applicants
- The method of outreach to and selection of families with one or more members participating in the identified programs [24 CFR 984.203(a)]

A PHA may wish to adopt additional selection preferences as well [Notice PIH 93-24].

#### HACA Policy

HACA will not adopt the use of preferences when selecting families for participation in the FSS program.

The PHA may use either of the following to select among applicants on the FSS waiting list with the same preference status [24 CFR 984.203(b)]:

- Date and time of application to the FSS program; or
- A drawing or other random choice technique.

#### HACA Policy

The PHA will use the date the family expressed an interest in participating in the FSS program to fill the FSS slots.



#### **4-II.C. SELECTION FACTORS**

Many factors contribute to whether a PHA may choose to select a family for participation in the FSS program. These selection factors can help the PHA screen families for admission, and ultimately contribute to the PHA's decision to either allow or deny a family's admission into the FSS program.

##### **Motivation Selection Factors [24 CFR 984.203(d)(1)]**

A PHA may screen families for interest and motivation to participate in the FSS program provided that the factors utilized by the PHA are those which solely measure the family's interest and motivation to participate in the FSS program. For this reason, PHAs must only apply motivational screening factors that are permissible under the regulations.

##### ***Permissible Motivation Selection Factors***

Permitted motivational factors include requiring attendance at FSS orientation sessions or pre-selection interviews or assigning certain tasks indicating the family's willingness to undertake the obligations that may be imposed by the FSS contract of participation. However, any tasks assigned should be readily accomplishable by the family based on the family members' educational level, abilities, or disabilities, if any. Reasonable accommodations must be made for individuals whose disability (mobility, manual, sensory, speech impairments, mental, or developmental disabilities) creates a barrier to accomplishing the tasks [24 CFR 984.203(d)(2)].

##### **HACA Policy**

The PHA will screen families for interest and motivation to participate in the FSS program by assigning a meeting or workshop which is the same type of meeting or workshop for each family. The PHA will only use the fact that the family attended as a screening factor, even if tasks or exercises are not completed in the meeting. In addition, if the family needs either childcare or transportation to be able to attend, or requests an accommodation for a disability, the PHA will either refer the family to available services or exempt the family from this screening factor.

### ***Prohibited Motivation Selection Factors***

Prohibited motivational screening factors include the family's educational level, educational or standardized motivational test results, previous job history or job performance, credit rating, marital status, number of children, or other factors, such as sensory or manual skills, and any factors which may result in discriminatory practices or treatment toward individuals with disabilities or minority or nonminority groups [24 CFR 984.203(d)(3)].

### **Other Selection Factors**

In addition to motivational screening, the PHA may also wish to screen families for the following additional factors.

#### ***PHA Debt Selection Factor***

The PHA may deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with Section 8 or public housing assistance [Notice PIH 93-24, B-18].

##### HACA Policy

The PHA will deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with Section 8 or public housing assistance. Families that owe money to a PHA who have entered into a repayment agreement and are current on that repayment agreement will not be denied FSS participation.

#### ***Unavailable Support Services Selection Factor***

If the PHA determines, after consulting with the family, that a missing service is essential to the family's needs, the PHA may skip that family (and other similar families) and offer the FSS slot to the next family for which there are available services [Notice PIH 93-24, B-8].

##### HACA Policy

A family that requests participation in FSS and is missing a service that is essential for the head of household to be employed, will be accepted into the program, and referred to knowledgeable professionals of their choice in the area of the missing service. The knowledgeable professional will determine, based on well accepted professional assessment, if the participant is able to work without the unavailable service.

If they are unable to work without the unavailable service the FSS applicant/participant may withdraw from the FSS program or, as provided by law, may request a reasonable accommodation.

#### ***Previous Participation Selection Factor***

A PHA may refuse to select a family for participation in the FSS program a second time if that family previously participated unsuccessfully (i.e., the family participated, did not meet its FSS obligations, and was terminated from the FSS program) [Notice PIH 93-24, B-14].

##### HACA Policy

The PHA will not refuse to select a family for participation in the FSS program a second time if that family previously participated and did not complete.

The PHA will enroll a family for participation in the FSS program a second time if that family previously participated, completed the COP, and received a final distribution of their escrow account. First time participants will be given a priority on the FSS waiting list.

#### **4-II.D. SELECTION OF HEAD OF HOUSEHOLD**

Each eligible family that is selected to participate in an FSS program must enter a contract of participation with the PHA. There will be no more than one contract at any time for each family. There may be an ITSP for as many members of the family who wish to participate. The contract shall be signed by a representative of the PHA and the head of FSS family, as designated by the family. This head of FSS family does not have to be the same as the official head of household for rental assistance purposes [24 CFR 984.303(a)].

##### HACA Policy

The PHA will meet, through any method of communication, with the family to detail the obligations, rights, and privileges that pertain to the FSS head of household and require each adult family member to certify their agreement as to their designated head of the FSS family. These certifications will be a permanent part of the FSS family's record and will be updated with each change of head of household.

## **PART III: ACTIVITIES AND SUPPORT SERVICES**

### **4-III.A. OVERVIEW**

Once families are admitted to the FSS program, the PHA becomes responsible for making sure these families are adequately served. The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of Section 8 and public housing assistance programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency. As such, upon selection, families are matched with the appropriate activities and supportive services so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. This is a vital element of the FSS program. The PHA must make a good faith effort to replace the obtained services from another agency.

### **4-III.B. METHOD OF IDENTIFYING FAMILY SUPPORT NEEDS [24 CFR 984.201(d)(8)]**

Before a PHA can determine the services and activities it will provide to FSS families, it must identify the services and activities appropriate to each family. The action plan must contain a description of how the program will identify the needs of FSS families and deliver the services and activities according to these needs.

#### HACA Policy

Supportive services needs will be identified by completion of an informal needs assessment with the FSS coordinator or case manager before completion of the initial individual training and services plan and signing of the contract of participation. After enrollment in HACA's FSS program, a formal needs assessment, including vocational assessment, educational counseling, and employment planning, as needed will be conducted. In this situation "as needed" means when Department of Labor Workforce and Department of Education resources permit and the participant:

- Has not had a vocational assessment or educational counseling within the last 3-5 years; or
- Chooses not to take advantage of this opportunity; or
- Has employment that offers promotional opportunities, earnings increases, and the participant expresses satisfaction with this employment; or
- Is willing and interested in referral to a knowledgeable professional to determine the needed for vocational assessment or educational counseling.

The following partners on the PCC will provide these vocational assessments or educational counseling:

WIA One Stop Center

These results are used to modify the ITSP, if requested by the family.

**4-III.C. FSS ACTIVITIES AND SUPPORT SERVICES DESCRIPTION**  
**[24 CFR 984.201(d)(7)]**

As part of the required contents of the action plan, PHAs must both describe the activities and supportive services to be provided by public and private resources to FSS families and identify the public and private resources that are expected to provide the supportive services.

Of course, this task assumes that the PHA has first identified the needed activities and supportive services.

HACA Policy

The PHA’s FSS program, through its partners on the program coordinating committee, will provide the following activities and support services to FSS families:

<b>Support Service General</b>	<b>Support Service Specific</b>	<b>Source/Partner</b>
<b>Assessment</b>	*Vocational Assessment *Educational Assessment *Vocational Planning *Educational Planning *Disability Assessment *Disability Vocational *Assessment/Planning *Disability Educational *Assessment/Planning *Drug/Alcohol Assessment *Drug/Alcohol Planning	Adult Basic Education Career Center Community College Community Based Organizations Career Center Community College Vocational Rehabilitation Health Department Career Center Community-based Organizations
<b>Education</b>	High School English as a Second Language GED Post-secondary College	High School Adult Basic Education Community College University

<b>Support Service General</b>	<b>Support Service Specific</b>	<b>Source/Partner</b>
<b>Training</b>	Day Care Medical Assisting CNA Solar Warehouse Trades Forklift Construction Skills Training Emerging Technologies Training Biomedical Training On-the-Job Training Functional Context Training	Adult Basic Education Community College University Community-based Organizations Workforce Investment
<b>Job Search Assistance</b>	Resume Preparation Interviewing Skills Dress for Success Workplace Skills	Adult Basic Education Community College University Community-based Organizations Workforce Investment
<b>Transportation</b>	Bus Train/Trolley	Metropolitan Transit
<b>Health Care</b>	Dental Care Medical Alcohol and Drug Prevention Alcohol and Drug Treatment	HMO Health Department Community Clinic General Hospital
<b>Utilities</b>	Payments	
<b>Micro and Small Business Development</b>	Training Planning Technical Assistance Mentoring	Operation Hope Microbusiness Assistance Program Small Business Administration Business Incubator

<b>Support Service General</b>	<b>Support Service Specific</b>	<b>Source/Partner</b>
<b>Homeownership</b>	Training Planning Debt Resolution	Operation Hope Habitat for Humanity Public Housing Authority Housing Counseling Organization Community-based Organizations
<b>Individual Development Accounts</b>	Match Savings Accounts Distribution of IDA Funds	Public Housing Authority TANF Office of Community Services in DHHS Office of Refugee Resettlement Beginner Farmers and Ranchers Community-based Organizations
<b>Child Care</b>	Infant Care Toddler Care Preschool Care Afterschool Care Homework Assistance	Child Care Resource Parks and Recreation
<b>Crisis Services</b>	Crisis Assessment Crisis Intervention Crisis Management Crisis Resolution	Crisis Team Senior Crisis Team Poison Center Domestic Violence Shelter
<b>Child/Adult Protective Services</b>	Needs Assessment Case Planning Information Referral Crisis Management	Senior Services Adult Services In-home Support Services Adult Abuse Hotline Child Abuse Hotline Foster Care Adoption Services
<b>Legal Services</b>	Representation Document Review Counsel or Advice	ACLU Legal Aid
<b>Debt Resolution</b>	Needs Assessment Case Planning Advocacy Negotiation	Workshops Consumer Credit Counselors

#### **4-III.D. CERTIFICATION OF COORDINATION [24 CFR 984.201(D)(12)]**

The FSS action plan is required to contain a certification that the development of the activities and services under the FSS program has been coordinated with the JOBS program (now Welfare to Work under TANF), the programs under title I of the Workforce Innovation and Opportunity Act,, and any other relevant employment, child care, transportation, training, and education programs in the applicable area. The implementation of the FSS program’s activities and services must continue to be coordinated as such to avoid duplication of activities and services.

##### HACA Policy

The PHA certifies that its FSS program has developed its services and activities in coordination with programs under Title I of the Workforce Innovation and Opportunity Act, Workforce Investment Board and American Job Centers (also known as Workforce Centers or One Stop Career Centers), and any other relevant employment, childcare, transportation, training, and education programs in the applicable area. The implementation of these activities and services will continue to be coordinated in this manner to avoid duplication of activities and services.



## Chapter 5

### CONTRACT OF PARTICIPATION

#### INTRODUCTION

Each family that is selected to participate in an FSS program must enter into a contract of participation with the PHA. This contract, which is signed by the head of the FSS family, sets forth the principal terms and conditions governing participation in the FSS program, including the rights and responsibilities of the FSS family and of the PHA, the services to be provided to the head of the FSS family and each adult member of the family who elects to participate in the program, and the activities to be completed by them. The contract also incorporates the individual training and services plan [24 CFR 984.303].

This chapter contains two parts:

Part I: Overview and Family Obligations: This part provides an overview of the form and content of the contract of participation and describes what the contract requires of FSS families.

Part II: Contract Specifications: This part explains the specifications of the contract, including terms and conditions, contract modification, contract terminations, and grievance procedures.

## **PART I: OVERVIEW AND FAMILY OBLIGATIONS**

### **5-I.A. OVERVIEW**

The purpose of the FSS contract of participation is to set forth the principal terms and conditions governing participation in the FSS program, including the incorporation of the individual training and services plan (ITSP) as part of the contract's required contents. The ITSP is meant to establish goals the FSS family will meet along the family's way to completing the contract and becoming self-sufficient. In addition to the goals specified in the ITSP, the contract also lists the responsibilities of the family and the PHA. This part covers the ITSP as part of the required contents of the contract of participation, and the family's obligations under the contract.

### **5-I.B. CONTENTS OF THE CONTRACT OF PARTICIPATION**

#### **Individual Training and Services Plan**

There will only ever be one FSS contract of participation (CoP) at any time for each FSS family. As part of the required contents of the FSS contract of participation (CoP), the individual training and services plan (ITSP) establishes specific interim and final goals by which the PHA and the family measure the family's progress toward fulfilling its obligations under the contract of participation and becoming self-sufficient. Interim and final goals will differ depending on the family's individual needs. Regulations require the establishment of a final goal that includes both employment for the head of the FSS family and independence from welfare assistance for all family members regardless of age.

#### ***Interim Goals [24 CFR 984.303(b)(2)]***

PHAs must work with each participant to establish realistic and individualized goals and may not include additional mandatory goals or mandatory modifications of the two mandatory goals.

#### ***Individual Training and Service Plans for Other than FSS Head [24 CFR 984.103]***

An individual training and services plan is required for the head of the FSS family and all adults choosing to participate. ITSPs must be prepared for each adult family member participating. ITSPs are prepared by the PHA, in consultation with the participating family member [Notice PIH 93-24, G-16.

## 5-I.C. FAMILY OBLIGATIONS

### **Compliance with Lease Terms [24 CFR 984.303(b)(3)]**

One of the obligations of the FSS family according to the contract of participation is to comply with the terms and conditions of the Section 8 or public housing lease.

Inability to comply with the lease represents an inability to comply with the contract, therefore regulations regarding noncompliance with the FSS contract apply [see 24 CFR 984.303(b)(5)]. It is up to the PHA to determine the plan of action for FSS families found in noncompliance with the lease and how the PHA will precisely define the term *comply with the lease*. All considerations allowed for other assisted residents regarding violations of the lease, must also be allowed for FSS participants.

#### HACA Policy

The PHA's FSS program will not terminate the FSS contract of participation for failure to comply with the terms of the lease.

The PHA will define *comply with the lease* to mean the FSS family has not been evicted for repeated or serious violations of the lease as defined in the Section 8 Administrative Plan; or if they have been evicted for repeated and serious violations of the lease, the family has pursued their right to grieve, and the family has prevailed in either the grievance hearing or the informal hearing process.

### **Employment Obligation [24 CFR 984.303 (b)(4)]**

Another obligation set forth by the contract of participation is for the head of the FSS family to *seek and maintain suitable employment* during the term of the contract and any extension.

Although other members of the FSS family may seek and maintain suitable employment during the term of the contract, it is only a requirement for the head of the FSS family.

The obligation for the head of the FSS family to *seek employment* is defined in the regulatory language as meaning that the head of the FSS family has searched for jobs, applied for employment, attended job interviews, and has otherwise followed through on employment opportunities. However, this definition still leaves room for policy decisions on the part of the PHA because it does not define the level of activity involved in "seeking."

There is no regulatory definition of *maintain suitable employment*. For this reason, it is up to the PHA to define the term. However, there can be no minimum period of time that the head of the FSS family must work.

With the agreement of the FSS family member, the PHA makes a determination of what it means to maintain suitable employment based on the skills, education, and job training of the FSS head of household, receipt of other benefits of the family member, and the available job opportunities within the jurisdiction served by the PHA. This means that the PHA must consult with the family member and agreement must be reached as to what *maintain suitable employment* is for that family member [24 CFR 984.303 (b)(4), Notice PIH 93-24, G-3].

#### HACA Policy

For purposes of the PHA's FSS program, *seek employment* means the head of household has applied for employment, attended job interviews, and otherwise followed through on employment opportunities as outlined in the individual training and services plan of their contract of participation.

*Maintain suitable employment* is employment, on the last day of the contract, which is outlined in the individual training and service plan and is based on the skills, education, job training, and receipt of other benefits of the head of the FSS family. The PHA will require verification of this employment or enrollment.

#### **5-I.D. CONSEQUENCES OF NONCOMPLIANCE WITH THE CONTRACT**

Consequences apply for families who do not meet the terms and conditions of the contract. The regulations require that the contract of participation specify that if the FSS family fails to comply, without good cause, with the terms and conditions of the contract (including compliance with the Section 8 or public housing lease), the PHA may:

- Withhold supportive services
- Terminate the family's participation in the FSS program

PHAs are not permitted to terminate a family's housing assistance due to the family's failure to meet its obligations under the contract of participation [24 CFR 984.101(d)].

#### HACA Policy

The contract of participation (CoP) will be terminated before the expiration of the contract term if the participant fails to meet, without "good cause," their obligations as outlined in the CoP. If the participant fails to meet its obligations outlined in the CoP, the FSS coordinator, or their designee, will first meet with the family to reassess the need for supportive services or a change in the individual training and services plan (ITSP).

If a reassessment of supportive services and a change in the ITSP is not successful in bringing the family into compliance, the FSS coordinator will reassess the need for, and availability of, supportive services for a second time and refer the participant to a knowledgeable professional for a formal assessment of the challenges leading to the noncompliance.

The FSS Coordinator will use this formal assessment to identify and refer to resources that remove the challenges, so the participant is able to meet their obligations outlined in the CoP.

Finally, if neither of these alternatives is successful, the FSS coordinator will terminate the CoP for failure to complete the tasks, interim goals, or final goals of the ITSP in a timely manner, and thus failure to complete the obligations outlined in the CoP.

The FSS coordinator will make an exception to the actions in terminating the CoP if the participant can, with the assistance of the FSS Coordinator, demonstrate "good cause" for the failure to meet its obligations as outlined in the CoP.

For purposes of the PHA FSS program, *good cause* includes circumstances beyond the control of the FSS family:

Family circumstances

Death in the family

Serious illness

Medical emergency

Mandatory court appearances

Involuntary loss of employment

Loss of head of household through death, incarceration, or removal from lease

Change in the ITSP improving progress toward economic self-sufficiency

Community circumstances

Significant reduction in workforce (over 20 percent reduction in employment field)

Significant interruption in service delivery (over 3 month's interruption)

Provider noncompliance with regulation

Provider unable or unwilling to provide service

Provider offering inferior service

Active pursuit of a current or additional self-sufficiency goal

Resolution of a barrier to employment

Completion of a college degree or technical training

Completion of a work-related certification

Credit repair towards homeownership readiness

## **PART II: CONTRACT SPECIFICATIONS**

### **5-II.A. OVERVIEW**

In addition to making clear the family's obligations under the program, the contract of participation contains specific terms and conditions, including those governing contract modifications, terminations, and grievance procedures. This part describes those specifications and associated policy.

### **5-II.B. CONTRACT TERM [24 CFR 984.303(c)]**

The contract term is five years. This means that the family has no more than five years from the effective date of the contract of participation (CoP) to fulfill their obligations as specified in the contract. This five year term requirement will be specified in the CoP.

### **Contract Extension [24 CFR 984.303(d)]**

While the term set forth in the contract of participation is for five years, contract extensions are available. According to regulation, PHAs must for "good cause" extend the term of the contract for a period not to exceed two years for any FSS family that requests an extension of the contract in writing or verbally. The family's written or verbal (documented by the FSS Coordinator) request for an extension must include a description of the need for the extension. *Good cause* means circumstances beyond the control of the FSS family, as determined by the PHA, such as a serious illness or involuntary loss of employment (further defined by PHA policy in Section 5-I.D.). Extension of the contract of participation will entitle the FSS family to continue to have amounts credited to the family's FSS account.

## 5-II.C. MODIFICATION OF THE CONTRACT

The PHA and the family may mutually agree to modify the CoP. This includes modifications in writing with respect to the individual training and services plans (ITSPs), the contract term (See Section 5-II.B. above), and designation of the head of the family [24 CFR 984.303(f)]. The conditions under which the PHA will modify the contract are set forth in the policy below.

### HACA Policy

In HACA's FSS program, the COP will be modified by mutual agreement between HACA and the head of household for the following reasons:

- When modifications to the ITSP improve the participant's ability to complete their obligations in the COP or progress toward economic self-sufficiency. When requested, or required in an area requiring formal assessment, a knowledgeable professional (as defined in Chapter 1 "Definitions") will certify that the modification will improve the participant's ability to complete their obligations in the COP or progress toward economic self-sufficiency.
- When the designated head of the FSS family ceases to reside with other family members in the assisted unit, and the remaining family members, after consultation with the public housing or HCV program representative, designate another family member to be the head of household and receive escrow funds
- When a relocating family is entering the FSS program of a receiving PHA and the start date of the COP must be changed to reflect the date the new COP is signed with the receiving PHA

No modifications will be made in the last 6 months of the COP except in an emergency that makes it impossible to achieve the training, education, or homeownership goals in the contract. These emergencies are limited to the following:

#### Family circumstances

Death in the family

Serious illness

Medical emergency

Mandatory court appearances

Involuntary loss of employment

Loss of head of household through death, incarceration, or removal from lease

#### Community circumstances

Significant reduction in workforce (over 20 percent reduction in employment field)

Significant interruption in service delivery (over 3 month's interruption)

Provider noncompliance with regulation

Provider unable/unwilling to provide service  
Provider offering inferior service



### **5-II.D. COMPLETION OF THE CONTRACT**

By regulation, the contract of participation is considered to be completed when the head of household is employed, the FSS family has fulfilled all of its obligations under the contract of participation, including all family members' ITSPs, on or before the expiration of the contract term, including any extension thereof.

Policies on verifying completion of the contract of participation can be found in Section 6-I.C. of this action plan.

### **5-II.E. TRANSITIONAL SUPPORTIVE SERVICE ASSISTANCE**

Even after a family has completed the contract of participation, a PHA may continue to offer appropriate FSS supportive services to a former completed FSS family. If the family still resides in Section 8 or public housing, these supportive services would be offered for becoming self-sufficient. If the family no longer resides in Section 8 or public housing, these supportive services would be offered for becoming self-sufficient or remaining self-sufficient. Transitional services for families who no longer reside in Section 8 or public housing, may only be offered using sources that are not HUD funds or HUD restricted funds [24 CFR 984.303(j)].

#### HACA Policy

The PHA will continue to offer supportive services to a former FSS family who has completed its contract of participation.

## **5-II.F. TERMINATION OF THE CONTRACT**

### **Termination of the Contract with Escrow Distribution [24 CFR 984.303(k)]**

The contract of participation will be terminated with escrow distribution before the expiration of the contract term, during any extension of the contract, or at end of the term of the contract if all obligations under such have not been met, when:

- Services that the PHA and the FSS family have agreed are integral to the FSS family's advancement towards self-sufficiency are unavailable, as described in Section 5-II.H. of this Action Plan. This type of termination is also referred to as "nullification" in the FSS regulations at 24 CFR 984.
- The head of the FSS family becomes permanently disabled and unable to work during the period of the contract, unless the PHA and the FSS family determine that it is possible to modify the contract to designate a new head of the FSS family; or
- An FSS family in good standing moves outside the jurisdiction of the PHA (in accordance with portability requirements at 24 CFR 982.353) for good cause and continuation of the CoP after the move or completion of the CoP prior to the move is not possible. PHAs must be consistent in their determinations of whether a family has good cause for a termination with FSS escrow disbursement.

### **Termination of the Contract without Escrow Distribution [24 CFR 984.303(h)]**

The contract of participation may be terminated before the expiration of the contract term and any extension of the contract by the following:

Mutual consent of the parties

Failure of the FSS family to meet its obligations under the contract of participation without good cause, including in a Section 8 FSS program the failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA

The family's withdrawal from the FSS program

Such other act as is deemed inconsistent with the purpose of the FSS program

Operation of law

### HACA Policy

The CoP will be terminated before the expiration of the contract term, and any extension thereof, for any of the following reasons

Mutual consent of the parties.

Family's withdrawal from the FSS program.

Failure of the FSS family to meet its obligations under the contract of participation without good cause. *Good cause* for the purposes of the FSS program is also defined in Section 5-I.D. of this Action Plan.

Such other act as is deemed inconsistent with the purpose of the FSS program.

Operation of law.

If the FSS family faces termination due to failing to meet, without good cause, its obligations under the CoP, the PHA will follow the relevant policy specified in Section 5-I.D. of this action plan.

**Note:** If the family is unable to meet the requirements of the contract of participation because essential services are not available, the contract is *nullified*, not terminated.

In addition, the contract of participation is automatically terminated if the family's Section 8 assistance is terminated in accordance with HUD requirements [24 CFR 984.303(h)].

### **5-II.G. OPTION TO WITHHOLD SUPPORTIVE SERVICE [24 CFR 984.303(b)(5)(i)]**

As touched upon in Section 5-I.D. of this action plan, the PHA has the option to withhold supportive services or the FSS family's participation in the FSS program if the PHA determines that the FSS family has failed to comply without good cause with the requirements of the contract of participation.

PHAs are not permitted to terminate Section 8 assistance to a family due to the family's failure to meet its obligations under the contract of participation [24 CFR 984.101(d)].

### **5-II.H. PHA OBLIGATION TO MAKE GOOD FAITH EFFORT TO REPLACE UNAVAILABLE SUPPORT SERVICES [24 CFR 984.303(e)]**

PHAs must make an extensive good faith effort to replace services that community agencies either cannot or will not provide. If all of the steps below are exhausted without the provision of an integral service, the contract of participation can be ended ahead of time as a result. This, however, should only occur as a last resort. The PHAs good faith effort must be demonstrated by taking the following steps:

- If a social service agency fails to deliver the supportive services pledged under an FSS family member's individual training and services plan (ITSP), the PHA must make a good faith effort to obtain these services from another agency.
- If the PHA is unable to obtain the services from another agency, the PHA must reassess the family member's needs and determine whether other available services would achieve the same purpose.
- If other available services would not achieve the same purpose, the PHA shall determine whether the unavailable services are integral to the FSS family's advancement or progress toward self-sufficiency.
- If the unavailable services are not integral to the FSS family's advancement toward self-sufficiency, the PHA must revise the ITSP, delete these services, and modify the contract of participation to remove any obligation on the part of the FSS family to accept the unavailable services.
- If the unavailable services *are* determined to be integral to the FSS family's advancement toward self-sufficiency (which may be the case if the affected family member is the head of the FSS family), the PHA shall terminate the contract of participation and follow the requirements in Section 5-II.F. of this Action Plan.

Termination of the contract of participation based on unavailability of supportive services shall never be grounds for termination of Section 8 or public housing assistance.

### **5-II.I. GRIEVANCE PROCEDURES**

When adverse action is taken by the PHA against a family, the PHA is required to provide a grievance hearing in the public housing program, or an informal hearing in the Section 8 program [24 CFR 966 subpart B, 24 CFR 982.554].

According to regulatory requirements, the FSS action plan must contain the grievance and hearing procedures available for FSS families against whom the PHA has taken adverse action with regards to FSS [24 CFR 984.201(d)(9)].

#### HACA Policy

The grievance and informal hearing procedures for the FSS program will be the same as the grievance and hearing procedures adopted in the HCV program Administrative Plan Chapter 16.

Adverse actions taken within the FSS program include:

- Denial of admission into the FSS program
- Denial of request for supportive services
- Denial of request to change the ITSP
- Denial of request to change the head of household
- Denial of request for interim disbursement of the escrow account
- Denial of request to complete the CoP
- Denial of a request for extension to the FSS CoP
- Denial of request for either interim or final distribution of escrow account
- Withholding of support services
- Termination of the FSS CoP
- Denial of request for termination with escrow
- Denial of transitional services

## Chapter 6

### ESCROW ACCOUNT

#### INTRODUCTION

The establishment of an escrow account is offered as a support and financial incentive to families for participation in the FSS program. Generally, under this incentive, the amount of an increase in family rent resulting from an increase in earned income is escrowed. That is, usually a family's rent or share of the rent goes up when the family experiences an increase in earned income. In the FSS program, this is still the case, and the part of the rent representing the increase is deposited into an account as an escrow credit. The funds from this escrow account then become available to FSS families upon successful completion of their contracts of participation and may become available earlier at the housing authority's option.

This chapter explains how the FSS escrow account works, including calculating the amount of the escrow credit, disbursing the funds, and the proper way for the PHA to manage and report on the account.

This chapter contains two parts:

Part I: The Escrow Account: This part provides an overview of how the escrow account works, including calculating the escrow credit and disbursing the funds upon completion of the contract of participation.

Part II: Escrow Fund Accounting and Reporting: This part describes the requirements for managing the escrow account, including both accounting and reporting requirements.

## **PART I: THE ESCROW ACCOUNT**

### **6-I.A. OVERVIEW**

As an integral incentive to the FSS program, it is especially important to have clear-cut policy spelling out how the escrow account works. This includes policy regarding the calculation of the FSS credit amount, the disbursement of FSS account funds, the use of account funds for homeownership, and forfeiture of the FSS escrow account.

### **6-I.B. CALCULATING THE FSS CREDIT AMOUNT**

#### **Determination of Baseline Annual Earned Income and Baseline Monthly Rent**

When determining the family's baseline annual earned income and the baseline monthly rent amounts for purposes of computing the FSS escrow credit, the PHA must use the amounts on the family's most recent income reexamination in effect.

For purposes of determining the FSS credit, baseline monthly rent for families paying an income-based rent is the family's Total Tenant Payment (TTP) as of the most recent reexamination of income, which occurs after the effective date of the FSS contract.

For families in public housing who are paying either flat or ceiling rent, family rent is the amount of the flat rent (including the applicable utility allowance) or ceiling rent (including any hardship discounts) as of the most recent reexamination of income, which occurs after the effective date of the FSS contract [24 CFR 984.103(b)].

#### **Determination of the Escrow Credit**

To calculate the FSS credit, the PHA must accurately determine the family's baseline earned income and baseline monthly rent and compare those figures with the family's current earned income and current monthly rent. The FSS credit is the lesser of 30 percent of one-twelfth or 2.5 percent of the amount by which the family's current annual earned income exceeds the family's baseline annual earned income; or the increase in the family's monthly rent. The increase in the family's monthly rent is the lower of either the amount by which the family's current monthly rent exceeds the family's baseline monthly rent, or for Section 8 families, the difference between the baseline monthly rent and the current gross rent (*i.e.*, rent to owner plus any utility allowance) or the payment standard, whichever is lower [24 CFR 984.305(b)(2)].

#### **Determination of Escrow Credit for Families Who Are Not Low Income**

FSS families who are not low-income families are not entitled to any FSS credit [24 CFR 984.305(b)(2)].

#### **Increases in FSS Family Income [24 CFR 984.304]**

As described in the FSS credit calculations above, any increases in family earned income resulting in increases in family rent are deposited in the escrow account. For this reason, and because of the nature of the FSS account, any increase in the earned income of an FSS family during its participation in an FSS program may not be considered as income or an asset for purposes of eligibility of the FSS family for other benefits, or amount of benefits payable to the FSS family, under any other program administered by HUD.

#### **Cessation of FSS Credit [24 CFR 984.305(b)(4)]**

The PHA will not make any additional credits to the FSS family's FSS account when the family has completed the contract of participation, when the contract of participation is terminated, when the family is not low-income, or during the time a Section 8 family is in the process of moving to a new unit.

### **6-I.C. DISBURSEMENT OF FSS ACCOUNT FUNDS**

#### **Disbursement before Completion of Contract**

The PHA may at its sole option disburse FSS account funds before completion of the contract if the family needs a portion of the funds for purposes consistent with the contract of participation and the PHA determines that the FSS family has fulfilled certain interim goals established in the contract of participation. These interim disbursements could include using the funds to assist the family in meeting expenses related to completion of higher education (e.g., college, graduate school) or job training, or to meet start-up expenses involved in creation of a small business [24 984.305(c)(2)(ii)].

#### HACA Policy

HACA will not disburse any portion of the FSS escrow account funds before completion of the COP.

#### **Disbursement at Completion of Contract [24 CFR 984.305(c)(1) and 24 984.305(c)(2)(i)]**

When the contract has been completed, at or before the expiration date, according to regulation, the amount in the FSS account in excess of any amount the FSS family owes to the PHA will be paid to the head of the FSS family. To receive the disbursement, the head of the FSS family must submit a certification (as defined in 24 CFR 984.103) to the PHA at the time of contract completion that, to the best of his or her knowledge and belief, no member of the FSS family is a recipient of welfare assistance.



### **Disbursement at Contract Termination [24 CFR 984.305(c)(3)]**

The PHA must disburse to the family its FSS escrow account funds in excess of any amount owed to the PHA when the contract has been terminated in certain circumstances. These circumstances include services are not available to the family that the PHA and the FSS family have agreed are integral to the FSS family's advancement towards self-sufficiency, when the head of the FSS family becomes permanently disabled and unable to work during the period of the contract (unless the PHA and the FSS family determine that it is possible to modify the contract to designate a new head of the FSS family), or when an FSS family moves outside the jurisdiction of the PHA and continuation of the CoP after the move is not possible according to the regulations. In circumstances where a family is not able to continue in FSS after the move, it is also possible for the PHA and the family to determine if the contract can be modified to make completion and receipt of the escrow monies, possible. PHAs must be consistent in their determinations of whether a family has good cause for a termination with FSS escrow disbursement.

### **Verification of Family Certification at Disbursement**

The PHA must verify that the family has met the requirements of either interim, final, or termination of contract with escrow. Interim disbursement may only occur after the family has completed certain interim goals and funds are needed to complete other interim goals. Final disbursement can only occur after the family has completed the contract of participation and all members are welfare-free as defined by regulation. Disbursement at contract termination only occurs if the family circumstances involve an integral missing service, the disability of the FSS head of household, or an FSS family porting out of the jurisdiction of the PHA and HUD regulations do not allow continuation of the FSS contract. In each of these circumstances, it follows that the PHA may require verification for the completion of interim goals or the contract of participation.

At interim disbursement and before final disbursement of the FSS account funds to the family, the PHA must verify that the FSS family is no longer a recipient of welfare assistance by requesting copies of any documents which may indicate whether the family is receiving any welfare assistance, and by contacting welfare agencies [24 CFR 984.305(c)(4)].

HUD provides verification guidance in Notice PIH 2018-18. This guidance is mandatory for the Section 8 and public housing programs. The PHA's Administrative Plan or ACOP must contain verification policies following the hierarchy in this notice. The policies contained in the PHA's ACOP and Administrative Plan cover verification policies related to the FSS program in general. However, determining the need for interim disbursements may require more clarification as to what constitutes an acceptable third-party source.

#### HACA Policy

HACA does not provide disbursements (interim disbursements) from the escrow account prior to completion of the contract of participation.

### **Succession to FSS Account [24 CFR 984.305(d)]**

FSS account funds should be disbursed to the head of the FSS family. However, if the head of the FSS family no longer resides with the other family members in Section 8 or public housing,

the remaining members of the FSS family, after consultation with the PHA, have the right to designate another family member to receive the funds.

#### **I.D. USE OF FSS ACCOUNT FUNDS FOR HOMEOWNERSHIP**

According to regulation, a Section 8 or public housing FSS family may use their final distribution of FSS account funds for the purchase of a home, including the purchase of a home under one of HUD's homeownership programs, or other federal, state, or local homeownership programs, unless the use is prohibited by the statute or regulations governing the particular homeownership program [24 CFR 984.305(e)].

Homeownership is just one option for use of the FSS account funds. PHAs may not restrict the use of escrow funds at contract completion [Notice PIH 93-24, C-13].

#### **6-I.E. USE OF FORFEITURE OF FSS ACCOUNT FUNDS**

Amounts in the FSS account will be forfeited when the contract of participation is terminated without escrow disbursement, or when the contract of participation is completed by the family (see Section 5-II.D. of this action plan) but the FSS family is receiving welfare assistance at the time of expiration of the term of the contract of participation, including any contract extension [24 CFR 984.305(f)(1)].

Use of forfeited escrow accounts is described in detail in Section 3-I.F. of this FSS Action Plan.

##### **Treatment of Forfeited FSS Account Funds**

FSS escrow account funds forfeited by the FSS family must be used by the PHA for the benefit of the FSS participants. These funds may only be used for support for FSS participants in good standing. These supports include transportation, childcare, training, testing fees, employment preparation costs, and other costs related to achieving obligations outlined in the CoP; or training for FSS Program Coordinator(s). Forfeited FSS escrow accounts may not be used for salary and fringe benefits of FSS Program Coordinators, general administrative costs of the FSS program, for housing assistance payments (HAP) expenses or public housing operating funds.

## **PART II: ESCROW FUND ACCOUNTING AND REPORTING**

### **6-II.A. OVERVIEW**

Regulations set forth specific requirements involving the accounting and reporting for the FSS escrow account. This part describes those requirements and the PHA policy necessary for managing the account from the PHA perspective.

### **6-II.B. ACCOUNTING FOR FSS ACCOUNT FUNDS**

When establishing FSS escrow accounts, the PHA must deposit the FSS account funds of all families participating in the PHA's FSS program into a single depository account for each (Section 8 or public housing) program. These funds are determined at each reexamination after the effective date of the contract and must be deposited each month to each family's subsidiary line item in the PHA's escrow account. In addition, the funds held in this account must be invested in one or more of the HUD-approved investments [24 CFR 984.305].

#### **Crediting the Escrow Account [24 CFR 984.305(a)(2)(i)]**

The total of the combined FSS account funds will be supported in the PHA accounting records by a subsidiary ledger showing the balance applicable to each FSS family. During the term of the contract of participation, the PHA must credit the amount of the FSS credit (see Section 6-I.B.) to each family's FSS account every month.

#### **Proration of Investment Income [24 CFR 984.305(a)(2)(ii)]**

Because the FSS account funds are to be invested, the investment income for those funds in the FSS account will also need to be credited to each family's account subsidiary line item. By regulation, these funds are to be prorated and credited to each family's FSS account based on the balance in each family's FSS account at the end of the period for which the investment income is credited.

#### HACA Policy

Each month the full amount of the investment income for funds in the HCV FSS account will be prorated and credited to each family's subsidiary line item.

#### **Reduction of Amounts Due by FSS Family [24 CFR 984.305(a)(2)(iii)]**

At the time of final disbursement of FSS escrow funds, if the FSS family has not paid the family contribution towards rent, or other amounts, if any, due under the Section 8 lease, the balance in the family's FSS account shall be reduced by that amount (as reported by the owner to the PHA in the HCV program).

If the FSS family has underreported income after the baseline annual income is set, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.

If the FSS family is found to have under-reported income in the reexamination used to set the baseline, the escrow for the entire period of the CoP will be recalculated using the correct income to set the baseline and then calculate subsequent escrow amounts.

### **6-II.C. REPORTING ON THE FSS ACCOUNT**

Each PHA must make a report, at least once annually, to each FSS family on the status of the family's FSS account.

At a minimum, the report must include [24 CFR 984.305(a)(3)]:

- The balance at the beginning of the reporting period
- The amount of the family's rent payment that was credited to the FSS account, during the reporting period
- Any deductions made from the account for amounts due the PHA before interest is distributed
- The amount of interest earned on the account during the year
- The total in the account at the end of the reporting period

#### HACA Policy

The PHA will provide FSS participants an annual statement on the status of their FSS escrow account.

## Chapter 7

### PORTABILITY IN SECTION 8 FSS PROGRAMS

#### INTRODUCTION

PHAs operating Section 8 FSS programs must be familiar with the rules and regulations regarding portability under the Section 8 program. As with the case of portability in the Section 8 program in general, the FSS family may move outside the initial PHA jurisdiction under portability procedures after the first 12 months of the FSS contract of participation [24 CFR 984.306].

In the event that an FSS family chooses to exercise portability, certain special requirements regarding the FSS program would apply. This chapter describes the obligations of the initial PHA, the receiving PHA, and the FSS family under portability, in addition to any special stipulations regarding portability in the FSS context.

This chapter contains two parts:

Part I: Portability in the FSS Program: This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

Part II: The Effects of Portability on FSS Regulations and Policy: This part describes the specific ways in which portability affects different aspects of the FSS program, including the escrow account, program termination, loss of the FSS account, and termination of Section 8 program assistance.

## **PART I: PORTABILITY IN THE FSS PROGRAM**

### **7-I.A. OVERVIEW**

Portability is a statutory feature of the Section 8 program—it is included in the law. As such, PHAs operating an Section 8 FSS program need to understand the effects that portability will have on Section 8 FSS families and program operation. This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

### **7-I.B. DEFINITIONS**

For the purposes of portability with regards to the FSS program, the following definitions will be used [24 CFR 982.4, 24 CFR 984.306].

- *Initial PHA* means both:
  1. A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
  2. A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.
- *Receiving PHA* means a PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA either absorbs the family into its program, including issuing a voucher and providing rental assistance to the family, or bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher.
- *Relocating FSS Family* refers to an FSS family that moves from the jurisdiction of a PHA at least 12 months after signing its contract of participation.

### **7-I.C. RESIDENCY REQUIREMENTS**

Families participating in a Section 8 FSS program are required to lease an assisted unit within the jurisdiction of the PHA that selected the family for the FSS program for a minimum period of 12 months after the effective date of the contract of participation. However, the initial PHA may approve a family's request to move outside its jurisdiction under portability during this period if the move is in accordance with the regulations at 24 CFR 982.353 [24 CFR 984.306(a)(1)].

#### HACA Policy

The PHA will approve a family's request to move outside its jurisdiction under portability during the first 12 months after the effective date of the contract of participation if the move is in accordance with the regulations for such moves at 24 CFR 982.353.

After the first 12 months of the FSS contract of participation, the FSS family may move outside the initial PHA jurisdiction under portability procedures regardless of PHA approval [24 CFR 984.306(a)(2)].

## 7-I.D. PORTABILITY REQUIREMENTS FOR FSS PARTICIPANTS

### Termination of FSS contract and Forfeiture of Escrow Account [984.306(e)]

If an FSS family relocates to another jurisdiction and is unable to fulfill its obligations under the contract, including any modifications, the PHA, which is a party to the contract, **must terminate the FSS family from the FSS program**. The family's FSS escrow account will be forfeited.

Termination of FSS program participation and forfeiture of FSS escrow must be used only as a last resort after the PHA determines, in consultation with the family, that the family would be unable to fulfill its obligations under the contract after the move, that locating another receiving housing authority with a FSS program is not possible, that the current contract cannot be modified to allow for completion prior to porting, and that the current contract cannot be terminated with FSS escrow disbursement. When termination is the only option, the PHA must clearly notify the family that the move will result in the loss of escrow funds. The PHA must follow its policy for clearly notifying the FSS family of the forfeiture.

### Receiving PHA Manages an FSS Program [24 CFR 984.306(b)]

Whether the receiving PHA bills the initial PHA or absorbs the FSS family into its Section 8 program, the receiving PHA must enroll an FSS family in good standing in its FSS program. However, if the receiving PHA is already serving the number of FSS families identified in its FSS Action Plan and determines that it does not have the resources to manage the FSS contract or the receiving PHA, the initial PHA may agree to the FSS family's continued participation in the initial PHA's FSS program. Prior to the PHAs agreeing to the continued participation, the initial PHA must determine that the relocating FSS family has demonstrated that, notwithstanding the move, it will be able to fulfill its responsibilities under the initial or a modified contract at its new place of residence.

#### HACA Policy

The PHA, as the initial housing authority, will not agree to the participant's continued participation in their FSS program.

Where continued FSS participation is not possible, the initial PHA **must** clearly discuss the options that may be available to the family. Depending on the family's specific circumstances, these options include modification of the FSS contract, locating a receiving housing authority that has the capacity to enroll the family in its FSS program, termination with FSS escrow disbursement in accordance with 24 CFR 984.303(k)(1)(iii), or termination of the FSS contract and forfeiture of escrow.

#### HACA Policy

The PHA will clearly discuss the options that are available to the family where continued FSS participation is not possible. Depending on the family's specific circumstances, these options include modification of the FSS contract to complete prior to the move, locating a receiving housing authority that has the capacity to enroll the family in its FSS program, termination with FSS escrow disbursement, or termination of the FSS contract and forfeiture of escrow. If the family does not meet the above, HACA will request a waiver of 24 CFR 984.305(f) for good cause so that the escrow funds in the family's escrow account at the time of the move can be disbursed to the family regardless of completion

of the FSS contract of participation. Such requests will be processed under normal waiver procedures as specified in PIH Notice 2013-20. Good cause for a move includes moving to achieve self-sufficiency goals as established under the FSS contract of participation and the criteria for good cause found in 5-I.D.

### **Receiving PHA Does Not Administer an FSS Program [24 CFR 984.306(c)]**

If the receiving PHA does not administer an FSS program and the receiving housing authority is absorbing the voucher, the FSS family may not continue participation in the FSS program. The initial PHA must clearly discuss the options that may be available to the family. These may include, but are not limited to, modification of the FSS contract, locating a receiving PHA that administers an FSS program, termination of the FSS contract with FSS escrow disbursement, or termination of the FSS contract and forfeiture of escrow.

#### HACA Policy

The PHA will, as stated above, clearly discuss the options that may be available to the family where continued FSS participation is not possible. Depending on the family's contract specific circumstances, these options include modification of the FSS contract, locating a receiving housing authority that has the capacity to enroll the family in its FSS program, termination with FSS escrow disbursement in accordance with 24 CFR 984.303(k)(1)(iii), or termination of the FSS contract and forfeiture of escrow.

If the receiving PHA does not administer an FSS program and the receiving housing authority is administering the voucher, the FSS family may continue participation in the FSS program of the initial housing authority. The initial PHA must clearly discuss the options that may be available to the family. These may include, but are not limited to, modification of the FSS contract, locating a receiving PHA that administers an FSS program, termination of the FSS contract with FSS escrow disbursement, or termination of the FSS contract and forfeiture of escrow.

#### HACA Policy

The PHA, as the initial housing authority, will not agree to the participant's continued participation in their FSS program.

The PHA will clearly discuss the options that are available to the family where continued FSS participation is not possible. Depending on the family's specific circumstances, these options include modification of the FSS contract to complete prior to the move, locating a receiving housing authority that has the capacity to enroll the family in its FSS program, termination with FSS escrow disbursement, or termination of the FSS contract and forfeiture of escrow.

If the family does not meet the above, HACA will request a waiver of 24 CFR 984.305(f) for good cause so that the escrow funds in the family's escrow account at the time of the move can be disbursed to the family regardless of completion of the FSS contract of participation. Such requests will be processed under normal waiver procedures as specified in PIH Notice 2013-20.

Good cause for a move includes moving to achieve self-sufficiency goals as established under the FSS contract of participation and the criteria for good cause found in 5-I.D.



### **Single Contract of Participation**

If the FSS family enrolls in the receiving PHA's FSS program, the receiving PHA will enter a new contract with the FSS family for the term remaining on the contract with the initial PHA. The initial PHA will end its contract with the family.

If the FSS family remains in the FSS program of the initial PHA, pursuant to this section, the contract executed by the initial PHA will remain as the contract in place.

## **7-I.E. NEW FSS ENROLLMENT INTO RECEIVING PHA'S FSS PROGRAM**

### **Administering and Billing of the Voucher**

If a non-FSS family ports and the receiving PHA bills the initial PHA that manages an FSS program, the receiving PHA may, consistent with the receiving PHA's FSS enrollment policies, enroll a family that was not an FSS participant at the initial PHA into its FSS program, if and only if, the initial PHA manages an FSS program and agrees to such enrollment.

#### HACA Policy

HACA will enroll a non-FSS family who is porting when the initial housing authority manages an FSS program and agrees to such an enrollment so long as there is an open slot available. If no open slot is available, the family will be added to HACA's FSS wait list.

If the receiving PHA bills the initial PHA, but the initial PHA does not manage an FSS program, the family may not enroll in the receiving PHA's FSS

### **Absorption of the Voucher**

If the receiving PHA absorbs the family into its Section 8 program, the receiving PHA may, consistent with the receiving PHA's FSS enrollment policies, enroll a family that was not an FSS participant at the initial PHA into its FSS program.

## **Exhibit 7.A. Portability Impact of FSS Family**

The impacts of HUD portability regulations and HACA portability policies are illustrated on the following pages in two sets of charts. The first set of charts depicts HUDs regulations and are adapted from PIH Notice 2016-8 *Inventory Management System/PIH Information Center (IMS/PIC) Family Self-Sufficiency (FSS) Reporting and FSS Program Portability Provisions*. The second set of charts were developed by HACA to clearly show the impact on the FSS family of HACAs local portability policies as allowed by the FSS regulations at 24 CFR 984.

## HUD Portability FSS Impact on FSS Family

<b>Family FSS Status</b>		<b>PHA FSS Status</b>	<b>Port Scenario</b>	<b>FSS Impact</b>	<b>PHA or HUD Decides</b>
1.	FSS family ports	Receiving PHA has FSS program  Initial PHA has FSS program	Billed	Family may continue participation in initial PHA's FSS program  or  Family may enroll in receiving PHA's FSS program	Determined by the initial PHA    Determined by the receiving PHA
2.	FSS family ports	Receiving PHA has FSS program  Initial PHA has FSS program	Absorbed	Family may enroll in receiving PHA's FSS program  or  Family may continue participation at initial PHA's FSS program.	Determined by the receiving PHA  Determined by the receiving PHA  *Agreement from the receiving PHA is needed because they would be responsible for most of the FSS tasks under this scenario.
3.	FSS family ports	Receiving PHA does not have FSS program    Initial PHA administers FSS program	Billed	Family may continue participation in initial PHA's FSS program	First, determined by the initial PHA. Then, receiving PHA must agree  *The receiving PHA would be responsible for submitting the FSS information for the family into IMS/PIC.  Receiving PHA's determination must be based on an undue financial or administrative hardship such as the cost of adding an FSS module to their existing systems.  If continued participation is agreed to by the PHAs, the initial PHA must provide the receiving PHA with timely and complete FSS addendum information and the receiving PHA is responsible for timely and accurate submission of the FSS information into IMS/PIC.
4.	FSS family ports	Receiving PHA does not have FSS program    Initial PHA administers FSS program	Absorbed	Family may not continue participation in initial PHA's FSS program	HUD  The receiving PHA would be responsible for managing escrow and the receiving PHA does not administer an FSS program.

## HUD Portability FSS Impact on Non-FSS Family

<b>Family FSS Status</b>		<b>PHA FSS Status</b>	<b>Port Scenario</b>	<b>FSS Impact</b>	<b>PHA or HUD Decides</b>
1.	<b>Non-FSS</b> family ports	Initial PHA has FSS program  Receiving PHA has FSS program	Billed	Family may enroll in receiving PHA's FSS program	Initial PHA  * Initial PHA agreement is needed because they would be responsible for managing the FSS escrow account
2.	<b>Non-FSS</b> family ports	Initial PHA has FSS program  Receiving PHA has FSS program	Absorbed	Family may enroll in receiving PHA's FSS program	Receiving PHA
3.	<b>Non-FSS</b> family ports	Initial PHA does not have FSS program  Receiving PHA has FSS program	Billed	Family may not enroll in receiving PHA's FSS program	HUD  *The initial PHA would be responsible for managing the FSS escrow account and the initial PHA does not administer an FSS program
4.	<b>Non-FSS</b> family ports	Initial PHA does not have FSS program  Receiving PHA has FSS program	Absorbed	Family may enroll in receiving PHA's FSS program	Receiving PHA

## HACA Portability FSS Impact on FSS Family

Scenario	Requirements	
<b>HACA is Initial PHA</b>	Billing	Absorbing
Receiving PHA has FSS	<ul style="list-style-type: none"> <li>~ Family cannot continue in HACA's FSS program</li> <li>~ Family may enroll in Receiving PHA FSS program if approved by Receiving PHA</li> <li>~ If the family is unable to enroll in the Receiving PHA's FSS program, HACA will discuss options with the family</li> </ul>	<ul style="list-style-type: none"> <li>~ Family cannot continue in HACA's FSS program</li> <li>~ Family may enroll in Receiving PHA FSS program if approved by Receiving PHA</li> <li>~ If the family is unable to enroll in the Receiving PHA's FSS program, HACA will discuss options with the family</li> </ul>
See 7-I.D. Receiving PHA Manages an FSS Program		
Receiving PHA does not have FSS	<ul style="list-style-type: none"> <li>~ Family cannot continue in HACA's FSS program</li> <li>~ HACA will discuss options with family</li> </ul>	<ul style="list-style-type: none"> <li>~ Family cannot continue in HACA's FSS program</li> <li>~ HACA will discuss options with family</li> </ul>
See 7-I.D. Receiving PHA Does Not Administer an FSS Program		
Scenario	Requirements	
<b>HACA is Receiving PHA</b>	Billing	Absorbing
Initial PHA has FSS	<ul style="list-style-type: none"> <li>~ Family may enroll in HACA's FSS program if there is an open slot. If there is no slot, family will be added to HACA's FSS wait list.</li> <li>~ Family may continue participation in Initial PHA's FSS program as determined by the Initial PHA.</li> </ul>	<ul style="list-style-type: none"> <li>~ Family may enroll in HACA's FSS program if there is an open slot. If there is no slot, family will be added to HACA's FSS wait list.</li> </ul>
See 7-I.D. Receiving PHA Manages an FSS Program		

## HACA Portability FSS Impact on Non-FSS family

Scenario	Requirements	
<b>HACA as Initial PHA</b>	Billing	Absorbing
Receiving PHA has FSS	~ Family cannot enroll in HACA's or the Receiving PHA's FSS program  ~ If family is on HACA's FSS waitlist, the family will be removed	~ If family is on HACA's FSS waitlist, the family will be removed  ~ Family may enroll in the Receiving PHA's FSS program as determined by the Receiving PHA
	See 7-I.D. Receiving PHA Manages an FSS Program & 7-I.E. New FSS Enrollment into Receiving PHA's FSS Program	
Scenario	Requirements	
<b>HACA is Receiving PHA</b>	Billing	Absorbing
Initial PHA has FSS	~ Family may enroll in HACA's FSS program if there is an open slot and the Initial PHA agrees. If there is no slot, family will be added to HACA's FSS wait list.	~ Family may enroll in HACA's FSS program if there is an open slot. If there is no slot, family will be added to HACA's FSS wait list.
	See 7-I.D. Receiving PHA Manages an FSS Program & 7-I.E. New FSS Enrollment into Receiving PHA's FSS Program	
Initial PHA does not have FSS	~ Family cannot join HACA's FSS program	~ Family may enroll in HACA's FSS program if there is an open slot. If there is no slot, family will be added to HACA's FSS wait list.
	See 7-I.D. Receiving PHA Manages an FSS Program & 7-I.E. New FSS Enrollment into Receiving PHA's FSS Program	

## **PART II: REPORTING**

### **7-II.A. OVERVIEW**

Each PHA that carries out an FSS program shall submit to HUD, in the form prescribed by HUD, a report regarding its FSS program.

### **7-II.B. CONTENTS OF THE FSS REPORT [24 CFR 984.401]**

The report submitted to HUD must include a description of the activities carried out in the FSS program; a description of the effectiveness of the program in assisting families to achieve economic independence and self-sufficiency, including the number of families enrolled and graduated and the number of established escrow accounts and positive escrow balances; a description of the effectiveness of the program in coordinating resources of communities to assist families to achieve economic independence and self-sufficiency; and any recommendations by the PHA or the appropriate local Program Coordinating Committee for legislative or administrative action that would improve the FSS program and ensure the effectiveness of the program.

### **7-II.C. FAMILY SELF-SUFFICIENCY GRANT PROGRAM REVIEW PHA SELF-ASSESSMENT**

HUD provides a detailed checklist for PHAs to conduct their own self-assessment of their FSS program. The form is administered by the local field office and allows each PHA to gather concrete and comprehensive data covering aspects of the program from FSS Action Plans and Composite Scores through FSS program size, participants, and graduations to reductions in FSS grants and current Memoranda of Agreement with community partners. The detailed example of the FSS Self-Assessment is available at HUD's FSS Resource page, which can be located by searching "HUD FSS" on any browser.