

## **Exhibit 5-3**

### **Issuance and Shopping**

#### **HUD Regulation 24 CFR 982.54**

Administrative plan.

(d) The PHA administrative plan must cover PHA policies on these subjects:

(2) Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions of the voucher term. If the PHA decides to allow extensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions, and how the PHA determines the length of any extension.

#### **HUD Regulation 24 CFR 982.302(a)**

When a family is selected, or when a participant family wants to move to another unit, the PHA issues a voucher to the family. The family may search for a unit.

#### **AHFC Policy**

To be issued a voucher, a family must complete a briefing. See the Applicant, Participant, and Owner Briefing exhibit.

### **1. Reasonable Accommodation**

A person with a disability may request an extension to the shopping period as a reasonable accommodation. Other reasonable accommodations needed during the shopping process may be granted by the Public Housing Division ADA/504 Coordinator or his/her designee on a case-by-case basis. Requests for a reasonable accommodation are directed to the local AHFC office.

#### **HUD Regulation 24 CFR 982.304**

A family may claim that illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance under the program. The PHA must give the family information on how to fill out and file a housing discrimination complaint.

#### **AHFC Policy**

AHFC will assist any family, upon request, if they suspect they were subject to illegal discrimination. Assistance may include directing the family to HUD's Fair Housing web site to make a complaint, providing the toll-free hotline, or assisting the family with completing a housing discrimination form.

## 2. Voucher Term

### **HUD Regulation – 24 CFR 982.303(a)**

Initial term. The initial term of a voucher must be at least 60 calendar days. The initial term must be stated on the voucher.

### **HUD Regulation – 24 CFR 982.303(d)**

Progress report by family to the PHA. During the initial or any extended term of a voucher, the PHA may require the family to report progress in leasing a unit. Such reports may be required at such intervals or times as determined by the PHA.

### **AHFC Policy**

1. AHFC issues its vouchers with an initial term of 120 days.
2. When determining the number of shopping days, AHFC will not include the day the voucher is issued or the day that a request for tenancy approval is submitted.

## 2.A Extensions to the Term

### **HUD Regulation – 24 CFR 982.303(b)**

Extensions of term.

(1) At its discretion, the PHA may grant a family one or more extensions of the initial voucher term in accordance with PHA policy as described in the PHA administrative plan. Any extension of the term is granted by PHA notice to the family.

(2) If the family needs and requests an extension of the initial voucher term as a reasonable accommodation, in accordance with part 8 of this title, to make the program accessible to a family member who is a person with disabilities, the PHA must extend the voucher term up to the term reasonably required for that purpose.

### **AHFC Policy**

1. Once AHFC has issued the voucher, AHFC has the discretion to extend a voucher shopping term.
2. At the family's request, AHFC may provide an extension up to a maximum of 60 days beyond the initial voucher term to allow the family to complete the shopping or leasing process.
  - a. The family must submit their request for an extension of the voucher.
  - b. If the family's voucher ends on a holiday, weekend, or on a date the local AHFC office is closed, the family may request an extension on the following business day.
  - c. AHFC may take extension requests over telephone with staff signature.

### 2.A.1. Special Purpose Vouchers

#### HUD Regulation 24 CFR 982.355(g)

Special purpose vouchers.

(1) The initial PHA must submit the codes used for special purpose vouchers on the form HUD-50058, Family Report, and the receiving PHA must maintain the codes on the Family Report, as long as the Receiving PHA chooses to bill the initial PHA.

(2) Initial and receiving PHAs must administer special purpose vouchers, such as the HUD-Veterans Affairs Supportive Housing vouchers, in accordance with HUD-established policy in cases where HUD has established alternative program requirements of such special purpose vouchers.

### 2.A.2. Incoming Voucher Family

#### HUD Regulation 24 CFR 982.355(c)

Portability procedures.

(9) The receiving PHA does not redetermine eligibility for a participant family. However, for a family that was not already receiving assistance in the PHA's HCV program, the initial PHA must determine whether the family is eligible for admission to the receiving PHA's HCV program. In determining income eligibility, the receiving PHA's income limits are used by the initial PHA.

(11) If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit.

(12) The receiving PHA must determine the family unit size for the family, and base its determination on the subsidy standards of the receiving PHA.

(13) The receiving PHA must issue a voucher to the family. The term of the receiving PHA voucher may not expire before 30 calendar days from the expiration date of the initial PHA voucher. If the voucher expires before the family arrives at the receiving PHA, the receiving PHA must contact the initial PHA to determine if it will extend the voucher.

(14) Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply. The receiving PHA must notify the initial PHA of any extensions granted to the term of the voucher.

#### **HUD Housing Choice Voucher Program Guidebook, Moves and Portability**

##### Section 5.4 Voucher Issuance

HUD expects the receiving PHA to process the family's paperwork and issue the family a voucher within two weeks of receiving the HUD-52665 and supporting documentation provided the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA's procedures.

**AHFC Policy**

1. AHFC has the discretion to extend a voucher shopping term.
2. AHFC will use the voucher issuance date from the initial PHA when calculating the shopping period.
3. AHFC will add 30 days to the initial PHA's expiration date when calculating the expiration date of the voucher. In no case will the voucher expire before the end of this additional 30 days.

**2.A.3. Outgoing Voucher Family**

**HUD Regulation 24 CFR 982.355(c)**

Portability procedures.

(1) When the family decides to use the voucher outside of the PHA jurisdiction, the family must notify the initial PHA of its desire to relocate and must specify the location where it wants to live.

(2) The initial PHA must determine the family's eligibility to move in accordance with §§982.353 and 982.354.

(10) When a receiving PHA assists a family under portability, administration of the voucher must be in accordance with the receiving PHA's policies. This requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used.

**AHFC Policy**

1. The AHFC portability contact person is responsible for determining when a family's outgoing port voucher expires.
2. The AHFC portability contact person will contact local AHFC office staff when a voucher has expired.

**2.B Suspensions**

**HUD Regulation 24 CFR 982.303(c)**

Suspension of term.

The PHA must provide for suspension of the initial or any extended term of the voucher from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

### **2.B.1. Request for Tenancy Approval**

#### **AHFC Policy**

1. When a family submits a request for tenancy approval, AHFC will date stamp or handwrite the date received.
2. If the package is complete, the shopping time is suspended at this point.
3. If the package is incomplete, the shopping time continues until the complete package is received.

### **2.B.2. Other Suspensions**

#### **AHFC Policy**

1. A family may request a suspension of a voucher's initial term up to a maximum of 60 days due to a hardship at any time during the voucher's initial term.
2. AHFC may consider the following factors when granting a suspension:
  - A natural disaster such as an earthquake, flood, or fire,
  - A serious illness or hospitalization,
  - Size of the family or special requirements needed by the family, or
  - Other extenuating circumstance approved by an AHFC regional manager or designee.

### **3. Freedom of Choice**

#### **HUD Regulation 24 CFR 982.353(e)**

Freedom of choice. The PHA may not directly or indirectly reduce the family's opportunity to select among available units, except as provided in paragraph (a) of this section, or elsewhere in this part 982 (e.g., prohibition on the use of ineligible housing, housing not meeting HQS, or housing for which the rent to owner exceeds a reasonable rent). However, the PHA must provide families the information required in §982.301 for both the oral briefing and the information packet to ensure that they have the information they need to make an informed decision on their housing choice.

#### **AHFC Policy**

A voucher holder may request further information or assistance if they are experiencing difficulties finding an appropriate dwelling unit. If requested, AHFC will provide a list of any appropriate-size units made known to AHFC.

### 3.A Eligible Housing

#### **HUD Regulation 24 CFR 982.351**

This subpart describes what kind of housing is eligible for leasing, and the areas where a family can live with tenant-based assistance. The subpart covers:

(a) Assistance for a family that rents a dwelling unit in the jurisdiction of the PHA that originally selected the family for tenant-based assistance.

(b) "Portability" assistance for a family PHA rents a unit outside the jurisdiction of the initial PHA.

#### **HUD Regulation 24 CFR 982.353(a)**

Assistance in the initial PHA jurisdiction.

The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction (as determined by State and local law) of the initial PHA. HUD may nevertheless restrict the family's right to lease such a unit anywhere in such jurisdiction if HUD determines that limitations on a family's opportunity to select among available units in that jurisdiction are appropriate to achieve desegregation goals in accordance with obligations generated by a court order or consent decree.

#### **AHFC Policy**

See the Family Portability and Family Moves exhibits for policy regarding family moves and ports outside the local office's jurisdiction.

### 3.B Ineligible Housing

#### **HUD Regulation 24 CFR 982.352**

(a) Ineligible housing. The following types of housing may not be assisted by a PHA in the tenant-based programs:

(1) A public housing or Indian housing unit;

(2) A unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f);

(3) Nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services;

(4) College or other school dormitories;

(5) Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;

(6) A unit occupied by its owner or by a person with any interest in the unit.

(7) For provisions on PHA disapproval of an owner, see § 982.306.

(b) PHA-owned housing.

(1) A unit that is owned by the PHA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the PHA) may only be assisted under the tenant-based program if all the following conditions are satisfied:

(i) The PHA must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease, and a PHA-owned unit is freely selected by the family, without PHA pressure or steering.

(ii) The unit is not ineligible housing.

(iii) During assisted occupancy, the family may not benefit from any form of housing subsidy that is prohibited under paragraph (c) of this section.

(iv)

(A) The PHA must obtain the services of an independent entity to perform the following PHA functions as required under the program rule:

(1) To determine rent reasonableness in accordance with § 982.507.

The independent agency shall communicate the rent reasonableness determination to the family and the PHA.

(2) To assist the family negotiate the rent to owner in accordance with § 982.506.

(3) To inspect the unit for compliance with the HQS in accordance with § 982.305(a) and § 982.405 (except that § 982.405(e) is not applicable). The independent agency shall communicate the results of each such inspection to the family and the PHA.

(B) The independent agency used to perform these functions must be approved by HUD. The independent agency may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government), or may be another HUD-approved independent agency.

(C) The PHA may compensate the independent agency from PHA ongoing administrative fee income for the services performed by the independent agency. The PHA may not use other program receipts to compensate the independent agency for such services. The PHA and the independent agency may not charge the family any fee or charge for the services provided by the independent agency.

(c) Prohibition against other housing subsidy. A family may not receive the benefit of tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

(1) Public or Indian housing assistance;

(2) Other Section 8 assistance (including other tenant-based assistance);

(3) Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);

(4) Section 101 rent supplements;

(5) Section 236 rental assistance payments;

(6) Tenant-based assistance under the HOME Program;

- (7) Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
- (8) Any local or State rent subsidy;
- (9) Section 202 supportive housing for the elderly;
- (10) Section 811 supportive housing for persons with disabilities;
- (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or
- (12) Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, "housing subsidy" does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

**AHFC Policy**

Under Moving to Work Activity 2010-6 approved by the AHFC Board of Directors on April 23, 2009, AHFC may perform HQS inspections on AHFC-owned properties.

**3.C Renting an Alternate Size Unit**

**AHFC Policy**

A voucher holder may select a unit size other than the size for which they qualify. AHFC will pay the lesser of the subsidy standard or unit size. Upon request, families interested in renting a unit outside of their assigned subsidy standard may have AHFC recalculate their eligible subsidy.

**4. Voucher Expiration**

**HUD Housing Choice Voucher Guidebook 7420.10G  
Housing Search and Leasing, Voucher Term Expiration**

It is good practice to clarify to families that the housing choice voucher term expiration pertains to the deadline for submission of a request for tenancy approval. The expiration date does not refer to the date the unit must be available for occupancy.

When a family's housing choice voucher term expires with or without an extension, the PHA has the authority to establish a policy for handling these families. This policy must be included in the PHA's administrative plan. The PHA may:

- Require that the family reapply when the PHA begins accepting applications; or
- Place the family on the waiting list with a new application date without requiring it to reapply.



The PHA may not determine the family to be ineligible for the program on the grounds that it was not able to lease up.

**AHFC Policy**

1. A family's voucher will expire automatically at the close of business on the date indicated unless the family submits a request for tenancy approval or requests an extension.
2. Families that fail to request an extension or submit a request for tenancy approval may submit a new application for any open AHFC waiting list. AHFC will not consider family failure to lease as a negative event.

**5. Voucher Withdrawal**

**AHFC Policy**

AHFC may withdraw a family's voucher before it expires under the following circumstances:

1. If the family is no longer eligible;
2. If the family made false representations during the qualification process;
3. If the family gave the voucher to another person with the intention of transferring the subsidy;
4. If the family has otherwise conducted itself in such a manner as to merit disqualification from participation in the program; or
5. If AHFC no longer has funds to support leasing a new unit.

Families are notified in writing and are eligible to participate in the appropriate AHFC grievance process.

**6. Changes After Voucher Issuance**

**AHFC Policy**

1. When a family reports changes in income or composition after voucher issuance, but before the effective date of the HAP Contract, AHFC will process those reported changes.
2. An applicant family may retain their eligibility if:
  - The newly verified gross annual income does not exceed 80 percent of area median income for the family size.
  - The HAP amount will exceed \$0 (zero dollars).
3. A participant family may retain their eligibility if the HAP amount will exceed \$0 (zero dollars).
4. See the Initial Examination Process and Interim Examination Process exhibits to process family changes after voucher issuance.

## **7. Definitions**

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| <b>HUD Regulation 24 CFR 982.4</b> |
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### **7.A Admission**

The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in the tenant-based program.

### **7.B Applicant (Applicant Family)**

A family that has applied for admission to the HCV program but is not yet a program participant.

### **7.C Continuously assisted**

An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the HCV program.

### **7.D HAP Contract**

Housing assistance payments contract.

### **7.E Jurisdiction**

The area in which the PHA has authority under State and local law to administer the program.

### **7.F Participant (Participant Family)**

A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

### **7.G Portability**

Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.

### **7.H Suspension**

The term on the family's voucher stops from the date that the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied.

**7.I Subsidy Standards**

Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

**7.J Voucher (Rental Voucher)**

A document issued by a PHA to a family selected for admission to the voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

**7.K Voucher Holder**

A family holding a voucher with an unexpired term (search time).

**7.L Waiting List Admission**

An admission from the PHA waiting list.

**Numbered Memo**

22-26