

HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) TENANT BASED RENTAL ASSISTANCE (TBRA)

Program Requirements

MAY 2, 2023



AGENDA



1. HOME Program Requirements
2. TBRA Program Requirements
3. Income and Rent Calculations
4. Unit Characteristics and Lease Provisions
5. Ongoing Administration
6. Client File Checklist



HOME REQUIREMENTS



HOMELESS PARTICIPATION

- To the maximum extent practicable, grantees must have representation of a person who is homeless or was formerly homeless on either:
 - The Board of Directors; or
 - An equivalent policymaking entity directly responsible for writing and overseeing policy for the project(s) for which funding is being requested, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance which receive TBRA funding.



LOCAL HEALTH DEPARTMENT AGREEMENTS

- TBRA grantees must share housing data of TBRA clients with the local health department on a quarterly basis, at a minimum, to match assisted unit addresses with lead-poisoned children.
 - To satisfy the requirement, your agency must establish an agreement with the local health department which outlines how your agency will meet the requirements stated in 24 CFR 35.1225.
- Reporting to the Health Department is not required if the Health Department states that it does not wish to receive the report.
 - However, your agency should retain a copy of the Health Department's response in your records.



LEAD BASED PAINT DISCLOSURE

- All TBRA participants must be notified of the hazards of lead-based paint and of the symptoms and treatment of lead-based paint poisoning.
- Participants are to be provided with the Lead Paint Disclosure and a copy of the disclosure is to be retained in the client's file.



HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

- All grantees must comply with Homeless Management Information System (HMIS) participation requirements.
- HMIS is a web-based data-tracking system that measures the scope of homelessness in Wisconsin, tracks service delivery to people who are homeless, and helps evaluate the effectiveness of service interventions. In Wisconsin, the HMIS designated by the HUD COCs is Clarity Human Services.



CONTRACT AMENDMENTS

- TBRA grantees may only amend their contracts with written approval from DEHCR.
- To request a contract amendment, TBRA grantees must electronically submit a formal written request on the grantee's letterhead, signed by someone with contract signature authority, and an amended budget, if applicable.
- DEHCR must receive all contract amendment requests no later than thirty (30) days before the end of the contract period.



COORDINATED ENTRY

- HUD COCs are required to develop and implement coordinated entry.
 - Coordinated entry refers to a single place or process for people to access homelessness prevention, housing, and related services within a given COC.
- TBRA grantees are strongly encouraged but not required to participate in coordinated entry and use any applicable coordinated entry procedures to evaluate client eligibility.



CONFIDENTIALITY

- Grantees must develop and implement written confidentiality procedures to ensure all records containing personally identifying information (as defined by HUD) of any person or family who applies for and/or receives TBRA assistance is kept secure and confidential.



CONFLICT OF INTEREST

- Grantees must comply with organizational, individual, and procurement conflict of interest provisions.
- Grantees will be required to repay any TBRA funds disbursed for persons with whom there is an identified conflict of interest unless an exception is granted by DOA and HUD.



FAITH-BASED ACTIVITIES

- All TBRA-funded activities must be administered in a manner which is free from religious influences and in accordance with the following principles:
 - Agencies must not discriminate against any person applying for services or employment and must not limit services or give preference to persons on the basis of religion.
 - Agencies must provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing and exert no other religious influence in the provision of programs or services funded under TBRA.
 - If a grantee conducts these activities, the activities must be offered separately in time or location from the programs or services funded under TBRA, and participation must be voluntary for TBRA program clients.



INVOLUNTARY FAMILY SEPARATION

- All individuals or groups of individuals regardless of age, gender identification, sexual orientation, and marriage status identifying as a family must be served as a family by any project which serves families. There can be no involuntary separation.
- There can be no documentation requirement or need for “proof” of family, gender identification, and/or sexual orientation.
- Families with children under age 18 must not be denied services based on the age of any child under age 18.
 - For example, a family could not be denied assistance because there is a 16-year-old in the family.



VIOLENCE AGAINST WOMEN ACT (VAWA)

- VAWA prohibits denial or termination of assistance or eviction solely because a person is a victim of domestic violence, dating violence, sexual assault, or stalking.
 - This protection applies to all eligibility and termination decisions that are made with respect to TBRA rental assistance.
- A notice of VAWA protections must be provided to each applicant for TBRA rental assistance and each program participant receiving TBRA rental assistance at the following times:
 - When an applicant is denied assistance or approved to receive assistance
 - When a program participant is notified of termination of assistance or receives notification of eviction from the housing owner
- Grantees must develop and implement an emergency transfer plan compliant with 24 CFR 92.359(g).



MONITORING

- DEHCR will periodically monitor the performance of each grantee.
- In conducting performance reviews, information will be obtained from the records and reports from onsite or desk monitoring, audit reports, and information from IDIS and HMIS.
- Monitoring reviews to determine compliance with specific program requirements will be conducted as necessary.



RECORDKEEPING AND RETENTION

- Grantees must retain all program files and records (including client files) for a minimum five (5) years after the contract period ends.
- All files must be available for review or audit by HUD upon request from DEHCR.



TBRA PROGRAM REQUIREMENTS



CLIENT ELIGIBILITY

- Clients must have a household income at or below 60% of the county median income (CMI)
 - Households with incomes up to 80% CMI may be eligible with DEHCR approval
- Clients must be homeless or at risk of homelessness



ELIGIBLE SERVICES/ALLOWABLE COSTS UNDER PROGRAM FUNDS

- Rental assistance
- Security deposit assistance
- Utility assistance
- HQS inspections
- Income determinations



RENTAL ASSISTANCE

- The term of rental assistance with HOME funds may not exceed 24 months; however, contracts can be renewed subject to the availability of HOME funds.
- The amount of rental assistance may not exceed the difference between the client's rent and thirty percent (30%) of the client's household income.



SECURITY DEPOSIT ASSISTANCE

- Security deposit assistance may be provided alone or along with rental assistance.
- The maximum amount of security deposit assistance per client is the equivalent of two months' rent for the unit.
- Security deposit assistance must be provided as a grant, not a loan.
- Security deposit assistance provided alone has the same eligibility client and unit requirements as rental assistance with security deposit – i.e., client must be eligible, the unit must pass HQS.



UTILITY ASSISTANCE

- Only for clients who are also receiving rental assistance
- Grantees may define which utilities they cover;
 - May choose to only cover utilities permitted under a Public Housing Authority utility allowance (heat, electric, water, sewer, and trash)
 - Phone, internet, and television are ineligible expenses
- Grantees may define the maximum amount of utility assistance per client
 - Examples: set a cap or only pay for certain utilities



HQS INSPECTIONS

- Grantees can charge *whichever is less*:
 - \$50 per inspection (\$35 per re-inspection) plus mileage reimbursed at the current federal rate; or
 - The actual staff or contractor costs of the inspection.



INCOME DETERMINATIONS

- Grantees can charge *whichever is less*:
 - \$50 per income determination; or
 - The actual staff cost of the income determination.
- If income determinations are conducted outside a grantee's office, the grantee may charge *whichever is less* for mileage reimbursement:
 - The current federal rate; or
 - The rate at which the grantee reimburses for mileage.



INELIGIBLE SERVICES/UNALLOWABLE COSTS

- Any services not explicitly listed in Eligible Services section of the TBRA manual are ineligible.
- DEHCR would also like to clarify that TBRA funds may not be spent:
 - To make commitments to specific landlords for specific units;
 - To prevent displacement of, or provide relocation assistance to, tenants as a result of activities other than the HOME program
 - To pay for overnight or temporary shelter
 - To pay for arrearages, including rent and utility
 - On a lease that is for a period of less than 30 days



SUPPORTIVE SERVICES

- Grantees must make a best effort to provide supportive services to TBRA clients. Grantees may provide supportive services directly or contract services through another agency.
- Supportive services include but are not limited to case management, mental health services, transportation assistance, and life skills training.
- Clients may be encouraged but *cannot* be required to participate in supportive services; as such, they cannot be terminated from a TBRA program due to non-participation in supportive services.



SELF-SUFFICIENCY PROGRAMS

- Grantees may choose to operate their TBRA program as a Self-Sufficiency Program. For the purposes of TBRA, DEHCR defines a Self-Sufficiency Program as:
 - A program whose goal is to increase clients' earned income and reduce their dependency on public assistance by providing education, job training, counseling, and other forms of social service assistance in addition to rental assistance so that clients can acquire the skills necessary to obtain self-sufficiency.
- Unlike other TBRA programs, Self-Sufficiency Programs *may* require clients to participate in supportive services; however, clients still *cannot* be terminated due to non-participation. They may, however, be refused a renewal of TBRA assistance.



MARKETING AND OUTREACH

■ Client Marketing

- Grantees are required to publicly announce the availability of TBRA. To further fair housing objectives, grantees should identify those households *least likely to apply* and determine what special outreach activities will ensure they are fully informed about the program.
- To ensure that program access is not limited to a particular facility's or program's clients, the marketing approach must address:
 - How the program will be announced (i.e. a marketing and outreach strategy);
 - Where and how to submit applications; and
 - How applicants will be contacted regarding program acceptance or denial.

■ Landlord Marketing

- Landlord willingness to participate in TBRA significantly affects the options and opportunities available to clients. DEHCR encourages grantees to create an outreach plan for local landlords.
- Mailing program notices to landlords using tax or Public Housing Authority (PHA) records as sources and participating in local landlord/realtor association meetings are often effective.



CLIENT APPLICATIONS (1)

■ Application Details

- Applications must be submitted in writing (either in-person or electronically). Applications must include all information required by the grantees to determine the client's household income and eligibility. Grantees may develop application forms that meet their specific needs.

■ Pre-Screening

- Grantees may choose to use a shorter pre-screen form to place potentially eligible applicants on a waiting list. When an applicant is selected from the waiting list, they must then complete the full application form, which must include new/updated information to be used to determine eligibility.



CLIENT APPLICATIONS (2)

■ Eligibility Determination

- Applicants must be selected from each grantee's waiting list in the order established by the grantee's Tenant Selection Policy. To determine a client's eligibility, the grantee must verify that the client meets all criteria listed in the *Client Eligibility* section of the TBRA Manual.

■ Client Files/Checklist

- A client file must be created for each applicant who at minimum submits a pre-screen form regardless of whether the applicant is eventually accepted or denied. This file must contain the checklist, application, all associated documentation, and all written correspondence between the client and grantee. Files may be paper or electronic.



CLIENT APPLICATIONS (3)

■ Denial

- Applicants who are determined to be ineligible must be notified in writing.
- The written notice must identify why the applicant is ineligible.
- It must also inform the client that they have ten (10) calendar days from the date of notice to request a review of the decision.
- Reviews must be requested in writing to the grantee.



WAITING LIST POLICY

- If a waiting list is used, an agency must establish a written Waiting List Policy which defines how the waiting list is managed.
- The following is a non-exhaustive list of parameters grantees may use to organize their waiting lists:
 - The order in which assistance is offered (i.e. selection policy based on aggregate needs, first come-first served, lottery, etc.);
 - The length of time for utilizing the waiting list (i.e. maintaining the list for a fixed period of time, then starting over; accepting applications for a fixed period of time, then closing until all eligible applicants receive assistance; continuously accepting applications; etc.);
 - The severity or intensity of each client's need.



PUBLIC HOUSING AUTHORITY WAITING LIST COORDINATION

- Grantees must coordinate with their local PHAs to ensure that TBRA will not affect the status of families on PHA waiting lists (e.g., for Section 8).
- Grantees must document this with a signed document from the PHA (e.g., a signed letter or an agreement between the grantee and PHA).
- If grantee maintains the Section 8 waiting list, maintain documentation showing TBRA will not affect the status of families on the Section 8 waiting list.



TENANT SELECTION POLICY (1)

- Each grantee must have a written Tenant Selection Policy that specifies how clients will be selected to receive assistance.
 - Participation may be restricted to persons/households within the grantee's identified target population as long as basic fair housing requirements are met.
- Access to the waiting list and subsequent rental assistance cannot be limited to a particular facility, provider agency or service program.
 - It can, however, be targeted to a particular category or class (i.e., households participating in transitional housing, family in wrap-around services, etc.).
- If admission is restricted (targeted), the assistance must be made available to all persons who fall into the target population identified in the policy.



TENANT SELECTION POLICY (2)

- If there is only one facility, provider, or program offering these services/programs in the community, clients may be required to participate in that agency's program.
- If there is more than one agency that provides services, access cannot be exclusive to a specific facility or program.



TBRA BRIEFING (1)

- Grantees are required to deliver a TBRA Briefing to each new client.
- The purpose of the briefing is to ensure that clients understand their responsibilities (as well as the grantee's and landlord's responsibilities) and has sufficient guidance to make an informed choice of housing.
- TBRA Briefings should be delivered in person to each client and documentation of the briefing meeting must be placed in each client's file.



TBRA BRIEFING (2)

- At minimum, the TBRA Briefing must engage the following topics:
 - Roles and responsibilities of the client, landlord, and grantee;
 - Limitations on how much rent a landlord may charge, including how utility allowances is incorporated in the TBRA subsidy;
 - Rent calculations, including how grantee and client shares will be calculated;
 - Security deposit policy, including how much will be charged, who pays, and who receives any refund (the tenant)
 - Housing coupon issuance and extension policy;
 - Guidance on selecting a unit, including HQS requirements and procedures for submitting the Request for Lease Approval/Rental Unit Information form



HOUSING COUPONS

- The issuance of a TBRA Housing Coupon authorizes the client to begin the search for housing.
- The initial coupon issuance period must be for a minimum of 60 days with the opportunity for up to two 30-day extensions, or one 60-day extension. The coupon period cannot extend past 120 days.
- The coupon is issued in person during the briefing session.



REQUEST FOR UNIT APPROVAL

- Once the client has located a unit and the landlord has agreed to participate, the client and landlord jointly submit the Request for Unit Approval/Rental Unit Information form.
- This form provides essential information about the property (bedroom size, utility combination, proposed rent, ownership information).
- The submission of this document triggers the grantee's inspection, rent negotiations and review of the landlord's lease.



RENT DETERMINATION

- TBRA programs must set a payment standard for each available unit size.
- The payment standard must represent the cost (rent and utilities) of moderately priced units in the service area that meet HQS.



LEASE REVIEW AND EXECUTION OF DOCUMENTS

■ Lease Review

- The grantee must review the landlord's lease to ensure that it does not include any of the prohibited lease provisions.
- All HOME TBRA-assisted units must have the TBRA Lease Addendum attached at signing.

■ Execution of Documents

- The Lease Agreement and Lease Addendum are executed by and between the client and landlord only.
- The Rental Assistance Contract is executed by and between the grantee and landlord only on behalf of the tenant.



INCOME AND RENT CALCULATION



INCOME LIMITS

- Income limits are established by household size and revised annually by HUD.
- Gross and Adjusted Annual Income are calculated using the HUD definitions of income and allowances:
 - Income Limit at Admission: Household Gross Annual Income must be at or below sixty percent (60%) of the county median income (income up to 80% CMI may be eligible with DEHCR approval);
 - Income Limit after Admission: Assistance must be terminated if the client's Gross Annual Income exceeds eighty percent (80%) of the county median income at the end of one (1) year of participation. The client must receive thirty (30) days written notice of the termination



INCOME LIMITS – SOURCE DOCUMENTATION

■ Third Party Income Verification

- Income must be verified by a third party not affiliated with the agency before assistance is provided and re-verified annually thereafter.
- Third party source documentation may include, but is not limited to, paycheck stubs, interest statements, and unemployment or worker's compensation statements. Keep a copy of source verification documents in each client's file.
- Grantees must use the Part 5 annual income definition for all program clients:
<https://www.hudexchange.info/resource/2701/sample-format-for-calculating-part-5-annual-income/>
- Income determinations for new TBRA recipients are valid for six months.



CLIENT RENT CONTRIBUTIONS

- Clients must contribute a minimum of 30% of their Adjusted Monthly Income toward their rent.
- The TBRA subsidy may not exceed the difference between the grantee's rent standard and the client's contribution.
 - In other words, the grantee's and client's rent payments together may not exceed the unit's rent or the grantee's rent standard.



DUPLICATIVE ASSISTANCE

- Clients cannot receive TBRA if they are receiving rental assistance under another federal, state or local rental assistance program IF the TBRA subsidy would result in duplicative subsidies.
- If the client's other rental subsidy program does not provide assistance sufficient to lower a tenant's rental payment to thirty percent (30%) of their adjusted income, TBRA may be provided as supplemental assistance to further reduce the client's rent payment to thirty percent (30%) of the client's adjusted income.



BLENDING FUNDS

- Grantees may blend TBRA with other funds; for example, other state or federal rental assistance funds may be used to pay for clients' security deposits while TBRA pays for their monthly rent.
- State and federal homeless funds should not be used to extend a client's participation in the TBRA program when the client has received the maximum months of TBRA subsidies.
- Plans to blend funds should be listed in the grantee's application and discussed with DEHCR.



RENT PAYMENT STANDARDS

- The payment standard is based on HUD's Fair Market Rent (FMR) standards.
- The payment standard for each unit must be at least eighty percent (80%) of the published FMR, but overall may not exceed the FMR or HUD-approved community-wide exception rent.
- Grantees must also ensure all TBRA units meet Rent Reasonableness standards as defined in 24 CFR 982.4.



ADMINISTERING RENT PAYMENT STANDARDS

- HUD does allow grantees some flexibility regarding the administration of their established payment standard.
- The grantee can approve a unit-specific payment standard for up to 20 percent of its total TBRA units. The unit-specific payment standard cannot exceed 10 percent above the established payment standard of all units.
- This flexibility addresses discrepancies between the published FMR and the local housing market along with the ability to obtain units adapted for handicapped residents or larger families that may be difficult to place.
- If the grantee utilizes the payment standard flexibility, they must complete following items:
 - Document the established payment standard and the unit-specific standard applied in the client's TBRA file;
 - List the total number of units currently participating in TBRA program; and
 - List the total number of units utilizing the flexibility, the established payment standard, and the unit-specific standard applied.



CALCULATING RENTAL SUBSIDIES

- Three factors affect the amount of the grantee's subsidy payment and the household's required share towards the rental payment:
 - The family's income
 - The payment (rent) standard the grantee establishes for each bedroom size
 - The cost of housing and utilities for the unit the family selects
- In addition, the subsidy depends upon the TBRA model selected by the grantee. Determining the subsidy under the different methods is discussed in the following two sections.



CALCULATING RENTAL SUBSIDIES – HUD CERTIFICATE MODEL

- The HUD Rental Certificate Program model assumes a fixed tenant payment.
- The tenant's share of housing costs (Total Tenant Payment, or TTP) is calculated by formula. The grantee then pays the difference between the tenant's share and the approved rent for the unit.
- The formula for computing TTP under the HUD Rental Certificate Program requires a tenant to pay the greater of:
 - 30% of monthly adjusted income; or
 - 10% of monthly gross income



HUD CERTIFICATE MODEL - EXAMPLE

- The Cleavers were issued a two-bedroom HOME TBRA Coupon. Their annual (gross) and adjusted incomes are \$22,500 and \$18,300, respectively. They find an apartment that rents for \$725 (including utilities).
- The Cleavers must pay the **greater** of:
 - \$457.50 30% of adjusted monthly income ($\$18,300 / 12 \times 0.30$)
- OR
 - \$187.50 10% of annual (gross) monthly income ($\$22,500 / 12 \times 0.10$)
- The grantee must pay the difference between the tenants' share and the approved rent.

Approved rent	\$725.00
Less Total Tenant Payment	<u>- \$457.50</u>
Sub-recipients share of the rent	\$267.50



CALCULATING RENTAL SUBSIDIES – HUD RENTAL VOUCHER MODEL

- The Rental Voucher Program model assumes a fixed grantee payment.
 - The maximum grantee subsidy is calculated, and the tenant pays the difference between the subsidy and the approved rent for the unit.
 - Using the Rental Voucher method, the grantee first establishes a payment (rent) standard for the program as a whole.
 - The grantee generally pays the difference between its payment (rent) standard and thirty percent (30%) of the tenant's adjusted monthly income. However, a minimum tenant payment is required.



HUD RENTAL VOUCHER MODEL – EXAMPLE (1)

- The Cleavers have been issued a two-bedroom HOME TBRA Coupon. Their gross and adjusted incomes are \$22,500 and \$18,300, respectively. Their monthly gross and adjusted incomes are \$457.50 and \$187.50 respectively. They find an apartment that rents for \$800 (including utilities). The grantee rent standard is \$775.

- The maximum sub-recipient subsidy is:

\$775.00	Rent Standard
<u>\$457.50</u>	(less) 30% of adjusted monthly income
\$317.50	Maximum grantee subsidy

- The Cleavers' share of the rent is:

\$800.00	Approved rent
<u>\$317.50</u>	(less) maximum grantee subsidy
\$482.50	The Cleavers' payment



HUD RENTAL VOUCHER MODEL – EXAMPLE (2)

- In this example, the Cleavers will pay more than 30 % of their adjusted income for housing because they selected a unit that rents for more than the payment (rent) standard. If the Cleavers had found a less expensive unit, the requirement that the beneficiary must pay at least 10% of monthly gross income might apply.

\$500.00	Approved rent
<u>\$317.50</u>	(less) Maximum subsidy
\$182.50	Calculated tenant share

- However, the Cleavers must pay at least 10% of gross monthly income.
($\$22,500 / 12 \times 0.10 = 187.50$).
- Therefore, the grantee's subsidy payment is reduced by \$5 in this example.



UTILITY ALLOWANCE SCHEDULES

- Utility Allowance Schedules are used to estimate the average cost of utilities for typical types of housing and for various utilities.
- The household's contribution is intended to cover both rent and utilities.
 - If all utilities are included in the rent, the household's entire contribution goes to the owner.
- Grantees should use their local Public Housing Agency's HUD Voucher Program Utility Schedule.



UNIT CHARACTERISTICS AND LEASE PROVISIONS



ELIGIBLE UNITS

- TBRA clients may select units that are publicly or privately-owned.
 - Clients cannot select units that do not have their own cooking facilities or bathroom (e.g. boarding homes or efficiencies with shared facilities.)
- Housing Quality Standards (HQS)
 - Units must be inspected to confirm that the units meet HQS at initial move-in and then annually during the term of TBRA assistance. If a unit initially fails HQS, the landlord may be given a reasonable amount of time to correct deficiencies, or the client may elect to look for a different unit.
 - A lease cannot be signed until the unit passes HQS.
 - The results of each inspection must be recorded on an HQS Inspection Form, which must be signed, dated and retained in the client file.



UNIT SIZE AND OCCUPANCY STANDARDS (1)

- Households generally require one bedroom per each of the following configurations:
 - Each pair of married or coupled adults, regardless of sex or gender;
 - Each unmarried/uncoupled adult;
 - Each pair of children of the same sex.
- Unborn children may be considered for purpose of assigning the bedroom size on housing coupon.
- A live-in care attendant who is not a member of the family is not required to share a bedroom with another household member.
- Individual medical problems sometimes require either a separate bedroom for household members who would otherwise be required to share a bedroom or an extra bedroom to store medical equipment.



UNIT SIZE AND OCCUPANCY STANDARDS (2)

- In most instances, a bedroom is not provided for a family member who will be absent most of the time.
- These occupancy standards may be modified by grantees on a case-by-case basis to accommodate specific household composition and circumstances.
- **Annual Review**
 - Grantees must annually re-examine each client's household size and composition to determine if circumstances have changed for the household.
 - If there are substantial changes, the grantee must determine if the change is significant enough to warrant the household to find a more suitable living unit.



UNIT SIZE – SMALLER OR LARGER UNITS

- Fair housing rules permit clients to select smaller units that do not, from the grantee's perspective, create seriously overcrowded conditions.
- Clients may also select larger units at their own expense under the HUD Voucher Model (meaning TBRA subsidy will not cover the increased cost of a larger unit).
- When calculating a client's subsidy, grantees must adhere the following guidance:
 - If a client selects a unit *smaller* than their Housing Coupon, the Rent Standard and utility allowance is based on the actual unit size;
 - If a client selects a unit *larger* than their Housing Coupon, the Rent Standard is based on the Housing Coupon, while the utility allowance is based on the actual unit size. A client is not rewarded with larger subsidies for selecting larger units or penalized for selecting smaller ones.



LEASE ADDENDUM AND PROHIBITED PROVISIONS

- Grantees must ensure each lease does not include any prohibited lease provisions. This is accomplished through the required Lease Addendum, which eliminates the need for in-depth legal review.
- The Lease Addendum also includes key HOME program requirements.
 - See Program Guide for prohibited provisions
- A copy of the lease and the addendum is to be kept in each client's file.



LEASE AND PROGRAM DURATION

■ Minimum Lease Duration

- Leases should not (during their initial term) be for less than 12 months unless by mutual agreement of the client and landlord. A lease may not be for a period less than 30 days.

■ Maximum Program Duration

- Clients cannot receive more than 24 months of assistance total; however, contracts can be renewed, subject to the availability of HOME funds.
- If a grantee would like to extend a client's TBRA assistance beyond the 24-month threshold, the grantee will need to complete the following items:
 - Recertify client's income and rent subsidy calculation;
 - State why the client needs to maintain their TBRA assistance beyond 24 months; and
 - Explain and document how they are attempting to move the client into permanent housing.



TERMINATION OF TENANCY BY LANDLORD (1)

- Landlords may evict clients following applicable state and local laws.
- Generally, that means landlords may only evict clients in the event of:
 - Serious or repeated lease violations;
 - Legal violations in connection with the unit or its premises;
 - Criminal activity;
 - Other causes specified by state or local law.



TERMINATION OF TENANCY BY LANDLORD (2)

- Grantees must develop written policies outlining how a termination of tenancy will impact clients.
- These policies should, at a minimum, must specify:
 - Under what circumstances that a client will be removed from the program as a result of an eviction; and
 - The length of time clients must locate a new unit before their subsidy expires.
- These policies must be included within the lease and/or in the program agreement between the grantee and the tenant.



ONGOING ADMINISTRATION



PAYMENT PROCESS

- Grantees must develop a payment process for disbursing TBRA payments to outside entities, including landlords and utility providers.
- This process must include guidelines about when rent and utility payments are made (e.g., on the first of the month, on the fifth of the month) and what triggers those payments (e.g., a case manager submits monthly invoices, payments are automatically generated by fiscal staff).



PORTABILITY (1)

- Grantees may either require clients to use their subsidy within the grantees service area or establish a portability policy allowing use outside the jurisdiction.
- If a grantee permits portability, they must develop procedures to satisfy HOME TBRA requirements.
- Unless portability is limited to contiguous jurisdictions, it may be impractical for the grantee to oversee the program.
- Grantees may wish to make arrangements with another agency or PHA in the jurisdiction where the family relocates to administer the TBRA.



PORTABILITY (2)

- Requirements that the grantee should consider in establishing a portability policy include the need to:
 - Initially and annually inspect units occupied by the TBRA client;
 - Execute necessary documents with the family and the landlord; and
 - Make monthly rent payments and/or security deposit payments on behalf of the grantee to the landlord and/or utility companies.
- Portability plans must be approved by DEHCR.



RECERTIFICATIONS

■ Interim recertification

- Clients are required to notify grantees of all changes in income and family composition. If this occurs, the grantee must:
 - Complete an interim recertification;
 - Incorporate any changes to the client's payment/grantee's subsidy in the first month following the interim recertification;
 - Notify both the client and landlord in writing of any changes in the payment structure.

■ Annual recertification

- Each client's eligibility and share of the rent must be recertified annually.
- If a client's household income increases enough that no subsidy payment would be generated, they may remain enrolled at \$0 subsidy for up to 6 months.



RENT INCREASES

- Most landlords will request a rent increase at the end of the first year of the lease.
- The Lease Addendum requires at least 60 days' written notice to increase the rent.
 - This allows the grantee enough time to review and approve the requested increase (determine that the proposed rent is reasonable in comparison to rents charged for other comparable, unassisted units) and provide the client with the required 30 days' written notice of any rent changes.



CHANGING UNITS

- Clients may elect to move to another unit as permitted by the lease.
- The TBRA Rental Assistance Contract contains provisions that terminate the grantee's agreement with the landlord when the household moves.
- To ensure that subsidies are not paid on units no longer occupied by an eligible client, the lease agreement must require that the client provide a minimum of 30 days written notice of their plans to relocate to both the landlord and the grantee.
- Clients who wish to move can be issued another Housing Coupon. The agency should follow procedures utilized when the original coupon was issued.



UNIT ABSENCES

- Grantees are allowed to maintain a client's TBRA subsidy in the event of a prolonged absence from their unit, up to 180 consecutive calendar days.
- A prolonged absence from the unit could range from an unexpected hospitalization event to incarceration.
- If a TBRA client exceeds the absence timeframe, grantees are required to terminate their contract. The termination process must be recorded, dated and retained in the client file.



MONTHLY REPORTING

- Grantees are required to submit monthly reporting documentation to DEHCR which must be received on or before the fifteenth (15th) of each month for the previous month's activities.
- The documentation must include but may not be limited to:
 - Tenant Based Rental Assistance Set-up Report
 - Request for Payment of HOME Funds, to include match reporting
- Payment requests must be submitted by email to DOADEHCRFiscal@wisconsin.gov.
- Grantees should refer to the contract agreement for additional information on final draw timelines and procedures.



CLIENT FILE CHECKLIST



INTAKE AND ASSESSMENT (1)

- Provider Application/Intake Form
- TBRA Briefing Notification
- Income Determination/Cost Calculation Form
 - 3rd Party Income Documentation
- Verification of Homelessness Form
 - 3rd Party Verification of Homelessness



INTAKE AND ASSESSMENT (2)

- Rent Calculation
- Utility Allowance Worksheet
- Fair Market Rent Assessment Form
- Rent Reasonableness Assessment Form
 - Comparable Unit Documentation
- Client Program Agreement



LEASING

- Request for Tenancy Approval
- Rental Coupon
- Initial HQS Inspection (must be passed)
- Lease and Lease Addendum
- VAWA Lease Addendum
- Housing Assistance Payment Contract



OTHER DOCUMENTATION (1)

- Termination and Grievance Policy
- VAWA Notification
- Releases of Information for All Household Adults (program and Clarity)
- Lead Paint Disclosure
- Case Notes



OTHER DOCUMENTATION (2)

- FMR Rent Flexibility
- If program participation exceeds 24 months of assistance:
 - Annual Income Recertification and 3rd Party Income documents
 - Annual HQS Re-inspection (must be passed)
 - Renewal Explanation





QUESTIONS?

