



RESOLUTION NO. 3783
**APPROVING THE REVISED ADMINISTRATIVE PLAN FOR
THE HOUSING CHOICE VOUCHER PROGRAM**

WHEREAS, the Department of Housing and Urban Development (HUD) regulations as stated in 24 C.F.R. 982 require the Public Housing Authority to submit to HUD for review any changes in its HUD-approved Administrative Plan; and **WHEREAS**, the Housing Authority of the City of Tulsa has made certain changes to its Administrative Plan for the Housing Choice Voucher Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Tulsa approves the revisions of the Housing Authority of the City of Tulsa's Administrative Plan for the Housing Choice Voucher Program.

DRAFT

Insufficient Funding and Termination of Assistance [24 CFR 982.454]

In the event of insufficient funding for the Housing Choice Voucher (HCV) program, the Tulsa Housing Authority (THA) will implement the following procedures to ensure compliance with program guidelines, prioritize assistance for the most vulnerable populations, and operate within its annual budget authority.

1. **Determination of Insufficient Funding:**

THA will assess whether there is sufficient funding to continue providing assistance to families currently in the program. If it is determined that there is insufficient funding, THA will first explore all potential actions to reduce program costs before considering any terminations of assistance. THA will also evaluate whether any cost-cutting measures, such as adjusting payment standards or reducing administrative costs, can be implemented.

2. **Ceasing Voucher Issuance:**

If THA determines that it must stop issuing vouchers due to insufficient funding, and if THA is not meeting the required number of special purpose vouchers, THA will prioritize issuing vouchers to these special purpose voucher families first when it resumes issuing vouchers, ensuring compliance with HUD requirements for these populations.

3. **Termination of Assistance as a Last Resort:**

If, after all reasonable cost-cutting measures have been implemented, there is still insufficient funding to continue providing assistance for all current program participants, THA will terminate Housing Assistance Payment (HAP) contracts as a last resort. In this case, THA will terminate the minimum number of contracts necessary to reduce HAP costs to a level within its annual budget authority.

4. **Termination Priorities:**

When funding is insufficient, THA will begin terminating families from the program in the following order:

- Non-Elderly and Non-Disabled Families: THA will terminate assistance for families based on their admission date to the HCV program. Terminations will begin with the most recently admitted participants, prioritizing non-elderly and non-disabled families first.
- Elderly and Disabled Families: Families with elderly or disabled members will not be subject to termination due to insufficient funding.
- Project-Based Voucher (PBV) Participants: PBV participants will be excluded from termination due to insufficient funding.
- Special Program Participants: Families participating in special programs will not be terminated due to insufficient funding.

5. Re-Admission After Termination:

Families who are terminated from the program due to insufficient funding will be placed back on the HCV waiting list according to their original date of application even if the waiting list is closed. These families will be given an Involuntary Displacement preference and will not lose their place on the waiting list due to termination. When funding becomes available again, these families will be prioritized for re-admission ahead of other applicants.

6. Priority Re-Selection Upon Availability of Funds:

When sufficient funding becomes available, families who were previously terminated due to insufficient funding will be selected from the waiting list ahead of other applicants, ensuring they are prioritized for re-admission. This includes priority selection over new applicants and ahead of Project-Based Voucher (PBV) families wishing to exercise their right of Choice Mobility.

7. RAD/PBV Waiting List Placement:

At the request of the terminated family due to insufficient funding, they will also be placed on any RAD/PBV waiting lists of their choice with an Involuntary Displacement preference, even if the waiting list is closed. This preference ensures that families who are involuntarily displaced due to insufficient funding are given priority in any future available RAD/PBV units.

8. Voucher Issuance Considerations:

Prior to issuing any vouchers, THA will carefully assess whether sufficient funds are available to house new applicants. If THA determines, after issuing a voucher, that there is insufficient funding to support the housing assistance, THA may rescind the voucher and place the impacted family back on the waiting list. This ensures that families are not given assistance that cannot be sustained by available funding.

9. Moves and Voucher Issuance Restrictions Due to Insufficient Funding:

THA will apply similar principles to restrictions on moves due to insufficient funding. This includes ensuring that moves are only approved if funding is available. Any denials of moves due to insufficient funding will be subject to the criteria and notice requirements as set forth in HUD regulations and notices.

Notification to HUD:

Prior to terminating any HAP contracts, THA will inform the local HUD field office to ensure transparency and compliance with HUD's oversight requirements. If THA intends to deny a family permission to move under portability due to insufficient funding, THA must notify HUD in writing within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

Voucher Issuance

The Housing Authority (THA) will ensure that there are sufficient funds available to house an applicant before issuing a voucher. Specifically, THA must confirm that adequate funding is available to house the family at the top of the waiting list before issuing any voucher.

1. **Sufficient Funding Requirement:**

If THA determines that there are insufficient funds to house the family at the top of the waiting list, THA will wait until sufficient funding becomes available before calling another family from the waiting list. No family will be issued a voucher unless THA has confirmed adequate funding to support their housing.

2. **Determining Sufficient Funds Prior to Voucher Issuance:**

Prior to issuing any vouchers, THA will perform a thorough assessment to ensure that sufficient funds are available to cover the cost of the voucher and the associated housing assistance. This assessment will be made to prevent issuing vouchers when funding limitations are present.

3. **Rescinding Vouchers Due to Insufficient Funds:**

If THA determines, after issuing a voucher, that there is insufficient funding to support the housing assistance for that family, THA reserves the right to rescind the voucher. In this case, the impacted family will be placed back on the waiting list, maintaining their original date of application. The family will not lose their place on the waiting list because of the rescinded voucher.

4. **Correction of Bedroom Size Designation:**

If THA determines that a mistake has been made in assigning the correct bedroom size for a family, THA will issue a voucher for the appropriate bedroom size as per the family's eligibility. This ensures that the family receives a voucher that aligns with their actual needs according to program standards.

Restrictions on Moves

The Housing Authority (THA) recognizes that there are circumstances where moves may need to be restricted, including when funding limitations are a factor. HUD regulations allow THA to deny a family permission to move under the following conditions:

1. Denial of Moves Due to Insufficient Funding:

HUD regulations permit THA to deny a family permission to move either within or outside THA's jurisdiction if THA does not have sufficient funding to continue providing assistance [24 CFR 982.314(e)(1)]. However, Notice PIH 2016-09 significantly restricts the ability of Public Housing Authorities (PHAs) to deny permission to move due to insufficient funding and imposes further requirements on PHAs regarding moves denied for this reason. The requirements outlined in this notice are mandatory for THA to follow.

2. Conditions for Denial of Moves:

THA may deny a family permission to move on the grounds of insufficient funding if all the following conditions are met:

- (a) The move is initiated by the family, not the owner or THA.
- (b) THA can demonstrate that the move will result in higher subsidy costs.
- (c) THA can demonstrate that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs resulting from the move.
- (d) For portability moves, the receiving PHA is not absorbing vouchers.

3. Moves Required Due to Unit Conditions:

If THA does not have sufficient funding for continued assistance, but the family must move from the unit (e.g., the unit failed Housing Quality Standards or HQS), THA will permit the family to move to a higher-cost unit if the move is within THA's jurisdiction. However, THA will not allow the family to move under portability to a higher-cost area in this situation.

Higher cost units are defined as a unit which requires a higher subsidy amount due to an increase in the gross rent for the new unit. THA may not deny requests to move due to insufficient funding if the subsidy for the new unit is equal to or less the current subsidy being paid for the family.

4. Moves Required Due to VAWA or Reasonable Accommodations

If THA does not have sufficient funding for continued assistance, but the family must move from the unit as a protection under the Violence Against Women Act, or as a result of an approved Reasonable Accommodation due to a disability of a family member, THA will permit the family to move to a higher-cost unit.

5. Rescinding a Voucher in the Event of Insufficient Funding:

For both moves within THA's jurisdiction and under portability, THA will not deny a move due to insufficient funding if THA previously approved the move and subsequently experiences a funding shortfall, provided that the family cannot remain in their current unit. In such cases, THA will rescind the voucher only if the family is allowed to remain in their current unit.

6. List of Families Denied a Move:

THA will create and maintain a list of families whose requests to move have been denied due to insufficient funding. The family's request will remain open indefinitely. When funding becomes available, these families will be allowed to move.

7. Notification of Denial:

When THA denies a family permission to move due to insufficient funding, the family will be notified in writing of this decision and informed of THA's policy on moves denied due to insufficient funding.

8. Notification to HUD:

If THA intends to deny a family permission to move under portability due to insufficient funding, THA is required to notify HUD in writing within 10 business days of the determination to deny the move [24 CFR 982.355(e)].