



Legislation Text

File #: 16-1533, **Version:** 1

Resolution to Amend the Administrative Plan Regarding the Definition of a Student, Payment Standards, and Fair Market Rent Rates

The Ann Arbor Housing Commission's Housing Choice Voucher Administrative Plan details its policies and procedures for the management of its Housing Choice Voucher (HCV) Program. The AAHC periodically revises the Plan to reflect changes in HUD policies and changes in AAHC policies.

HUD published a new definition of a student below.

OLD Definition of Student

The individual is of legal contract age under state law.

The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student.

To be considered an independent student according to the Department of Education, a student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought
- Be an orphan or a ward of the court through the age of 18
- Be a veteran of the U.S. Armed Forces
- Have one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)
- Be a graduate or professional student
- Be married
- The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.

The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

NEW definition of a student

The student must meet one of more of the following criteria:

- The individual is 24 years of age or older by December 31 of the award year
- The individual is an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- The individual is a veteran of the U.S. Armed Forces or is currently serving active duty for other than training purposes

- The individual is a graduate or professional student
- The individual is married
- The individual has legal dependents other than a spouse
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by a local educational agency homeless liaison; the director or designee of the director of a program funded under the Runaway and Homeless Youth Act, or of a program funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act; or a financial aid administrator
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

In addition, Congress adopted the Housing Opportunity Through Modernization Act of 2015 “HOTMA” and HUD published the implementation guidelines regarding additional language for payment standard implementation, in September 2016. HOTMA requires other changes, but HUD has not published the guidelines for implementation yet.

Additional Language for Payment Standard

Effective July 29, 2016, PHAs may choose, but are no longer required, to reduce the payment standard for a family that remains under HAP contract at the family’s second annual reexamination if, as the result of a decrease in the FMR, the payment standard would otherwise fall outside the basic range [Housing Opportunity through Modernization Act of 2015].

Reasonable accommodation payment standards: Section 102(d) of HOTMA provides that PHAs may establish, without HUD approval, a payment standard of up to 120 percent of the fair market rent (FMR) as a reasonable accommodation for a person with a disability. Since this option was made available under the March 8 streamlining final rule, no further action is required.

Additional Language for Fair Market Rents

Effective August 26, 2016, HUD will no longer publish “proposed” and “final” versions of the FMRs, but PHAs and other interested parties may comment on the FMRs and request HUD to reevaluate them in a jurisdiction before those rents become effective. [Housing Opportunity through Modernization Act of 2015].

This new language is mandatory.

Prepared and Approved by Jennifer Hall, Executive Director

WHEREAS, The Ann Arbor Housing Commission's Housing Choice Voucher Administrative Plan details its policies and procedures for the management of its Housing Choice Voucher (HCV) Program; and

WHEREAS, HUD published a new definition of a student;

WHEREAS, Congress enacted the Housing Opportunity through Modernization Act of 2015 which mandated changes to the payment standard processes and Fair Market Rent publication; and

RESOLVED, that the Board of the Ann Arbor Housing Commission approve these revisions to the Administrative Plan to take effect on November 1, 2016.s only in the following circumstances:

It is necessary as a reasonable accommodation for a person with a disabilityies.

It is necessary due to reasons beyond the family's control, as determined by the PHA. Following is a list of extenuating circumstances that the PHA may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted:

Serious illness or death in the family

Other family emergency

Obstacles due to employment

Whether the family has already submitted requests for tenancy approval that were not approved by the PHA

Whether family size or other special circumstances make it difficult to fina a suitable unit

Any request for an additional extension must include the reason(s) an additional extension is necessary. The PHA may require the family to provide documentation to support the request or obtain verification from a qualified third party.

All requests for extensions to the voucher term must be made in writing and submitted to the PHA prior to the expiration date of the voucher (or extended term of the voucher).

The PHA will decide whether to approve or deny an extension request within 10 business days of the date the request is received, and will immediately provide the family written notice of its decision.

The voucher may be extended for no more than a total of 120 days from the date of original issuance with the exception that a voucher may be extended for no more than a total of 180 days from the date of original issuance for a reasonable accommodation.

If the voucher expires before the voucher is leased up or the AAHC denies a request for an extension, the applicant is not entitled to an informal review and a participant is not entitled to an informal hearing.