

COMPARISON BETWEEN SECTION 8 VOUCHER REFORM ACT (SEVRA 2010), AFFORDABLE HOUSING AND SELF-SUFFICIENCY IMPROVEMENT ACT (AHSSIA) AND CURRENT LAW

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Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Inspections	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>Agencies must determine whether a unit selected by a family complies with the voucher program’s housing quality standards (HQS) before beginning assistance payments. If the PHA owns the unit, inspections must be performed by the local government or another entity approved by HUD.</p> <p>Units must be reinspected each year as well as at any time there is a complaint about the unit. If a PHA determines on re-inspection that a unit fails to meet HQS, HUD rules require: (1) life-threatening conditions to be fixed within 24 hours; (2) a minimum cure period of 30 days for other defects, which PHAs may extend without limit; (3) abatement (i.e., suspension) of subsidy payments in the month following the expiration of the PHA-allowed cure period; and (4) termination of the housing assistance payment (HAP) contract with the owner after allowing the family a reasonable time to relocate with voucher assistance. (Section 8(o)(8); 24 C.F.R. section 982.404(a); Housing Choice Voucher Program Guidebook 10-27.)</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>Federal housing quality standards continue to apply.</p> <p><i>Initial inspections.</i> The bill alters the requirements regarding initial inspections in two ways:</p> <p>a. Units must be inspected prior to payment, but at PHA discretion initial subsidy payments may be made to owners when a unit does not pass the initial inspection, so long as the failure resulted from “non-life threatening conditions.” Defects have to be corrected within 30 days of initial occupancy in order for the owner to receive continuous payments.</p> <p>b. A PHA may allow a family to occupy a unit in advance of inspection if in the previous 12 months the property has been determined to meet housing quality and safety standards under a federal housing program inspection standard that is at least as stringent as the voucher program’s HQS. For such properties, subsidy payment may be retroactive to the beginning of the lease term after the unit passes inspection under the voucher program HQS.</p> <p><i>Interim inspections.</i> An assisted family or government official may request an interim inspection due to alleged failure of a unit to comply with HQS. PHAs must inspect within 24 hours if the condition is life threatening, and 15 days in other cases.</p> <p><i>Ongoing inspections.</i> Inspections are required at least every two years, and may be made on a property basis rather than for the particular unit occupied by a voucher holder. The ongoing inspection requirement may be met by a satisfactory inspection of the property under the rules of another federal housing assistance program or under a non-federal program with standards that</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p> <p>Same as December 2010 SEVRA draft, except that AHSSIA does not provide PHAs authority to use abated subsidies to make repairs, and AHSSIA permits (rather than requires) PHAs to provide assistance in finding a new unit to families displaced as a result of a unit’s failure to pass inspection. (Section 101, revising section 8(o)(8) of the U.S.H.A.)</p>

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<p>Inspections cont'd</p>	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>equal or exceed the protections of the voucher program HQS. Owners have the same time periods to cure defects as under current regulations, but the standards of 24 hours to fix life-threatening conditions and 30 days (or a longer period if approved by the PHA) for other defects are incorporated in the statute. PHAs may withhold payments during this cure period, and pay assistance retroactively when defects are fixed.</p> <p><i>Abatement period.</i> If defects are not fixed within the allotted time, PHAs are to abate subsidy payments for a further 60 days (or other reasonable period established by the PHA). PHAs may use the abated subsidies to make repairs, directly or through contractors, if state and local laws permit tenants to withhold rent payments for the purpose of making repairs. PHAs are protected from liability if they use contractors that meet standards established by HUD, and funds used for repairs count as costs for purposes of setting voucher renewal funding levels. Tenants are protected from eviction due to subsidy payments being withheld or abated, and may terminate the lease in order to move. If repairs are not made and the PHA terminates the contract, the lease between the owner and tenant also terminates. The PHA must give the family at least an additional 90 days to find a new unit to lease with voucher assistance, extended if the PHA determines it to be necessary. The family also may elect to receive preference for the next available public housing unit. A PHA must provide a family displaced without fault after a unit fails inspection with assistance in finding a new residence, including use of up to two months of abated subsidy payments for relocation costs, which must cover security deposits if needed and may cover moving expenses. PHAs may require a family to repay a security deposit if it is subsequently refunded. (Section 2, substantially revising section 8(o)(8) of the U.S. Housing Act of 1937.)</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p>

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Rent Policy (covering vouchers, public housing, and project-based Section 8)			
Impact on program costs	Increases or reductions in tenant rent payments can lower or raise the amount of funding for which PHAs are eligible under the public housing operating fund (though with a time lag) and the voucher renewal formula (under some circumstances). Changes in funding eligibility in these programs do not automatically affect federal costs, however, because in some years Congress has provided funding levels below the amount for which agencies were eligible. Rent changes also affect the subsidies owners receive under project-based Section 8 contracts.	Allows HUD to make adjustments in the public housing operating fund formula for agencies that experience a material reduction in rent revenues due to SEVRA's rent provisions during the first year in which the provisions are implemented. In addition, directs HUD to report to Congress in each of the first two years after implementation on the effect of the bill's rent and income and asset limit provisions on revenues and costs in public housing, the voucher program and project-based Section 8, and to recommend legislative changes to address any overall material reduction in public housing revenues or increase in voucher or project-based costs. (Section 3(f))	Provisions governing operating fund adjustments and reporting on cost impacts are the same as December 2010 SEVRA draft, except that the reference to the income limit provision is dropped because that provision is not in the bill. Overall, AHSSIA would reduce program costs substantially compared to current law. It would also reduce costs compared to the December 2010 SEVRA draft, in part because the smaller increase in the standard deduction for elderly and disabled families would increase rent payments.
Affordability and minimum rents	For rent and reasonable utility costs, families generally pay the higher of 30 percent of adjusted income or 10 percent of gross income, plus (for voucher holders) the amount by which rent and utility costs exceed the local payment standard. For public housing and vouchers, agencies may establish a minimum rent up to \$50, subject to federally established hardship exceptions. For project-based section 8, HUD establishes the minimum rent by regulation up to a maximum of \$50 (currently \$25). In public housing, tenants are permitted to choose annually between a "flat rent" that does not take income into account and an income-based rent determined under the regular rules. (Section 3(a))	Requirements are similar to those under current law, except that required interim adjustments for changes in income during the year are limited (see recertification of income below), and the Secretary may allow owners with project-based section 8 contracts to set a minimum rent from \$0 - \$50, as PHAs now are permitted to do (Section 3(a)(1)(A), amending section 3(a)(3)(A)(ii) of the U.S.H.A.).	All housing agencies and owners must charge minimum rents of \$69.45, unless they opt for a lower minimum (or zero) for good cause. Advance HUD approval of a lower (or zero) minimum rent is not required, but HUD may disapprove a lower amount for failure to state good cause. HUD must adjust the \$69.45 minimum rent for inflation. Grounds and procedures for hardship exemptions are strengthened to better ensure that families would not have to pay the statutory minimum rent if doing so would cause them significant hardship. (Section 102(a)(1)(B), amending section 3(a)(3)(A) and (B) and inserting new subparagraphs (C)-(E) of the U.S.H.A). HUD must certify to Congress within 6 months of AHSSIA's enactment that minimum rent hardship protections are being enforced and that HUD "will continue to provide due consideration to the hardship circumstances"

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Affordability and minimum rents cont'd			of housing assistance recipients (Section 102(b)).
Deductions for the elderly and people with disabilities	<p>Each elderly or disabled family (defined in U.S. Housing Act as a family whose head, spouse or sole member is 62 or has a disability) is eligible for a \$400 standard income deduction.</p> <p>Elderly and disabled families are eligible for a deduction of unreimbursed medical expenses, and families with a member who has a disability are eligible for a deduction of reasonable expenses for attendant care and auxiliary aids necessary for the person with a disability or another member to be employed, but only the portion of unreimbursed medical, attendant care, and auxiliary aid expenses above 3 percent of income is deducted. (Section 3(b)(5)(A))</p>	<p>Increases standard deduction for elderly and disabled families to \$675, with adjustments for inflation in future years.</p> <p>Limits deduction for medical, attendant care and auxiliary aid expenses to expenses exceeding 10 percent of income. (Section 3(b)(2) amending Section 3(b)(5) of the U.S.H.A.)</p>	<p>Increases standard deduction for elderly and disabled families, but only to \$525, with adjustments for inflation in future years.</p> <p>Limit on deduction for medical, attendant care, and auxiliary aid expenses is the same as December 2010 SEVRA draft, except that the latest AHSSIA draft allows HUD to provide hardship exemptions by regulation for families impacted by the increase in the deduction threshold to expenses in excess of 10 percent of income. (Section 102(c)(2), amending Section 3(b)(5) of the U.S.H.A.)</p>
Public housing flat or ceiling rents	Every PHA must establish “flat rent” levels based on the market value of public housing units, though statute (but not HUD regulations) may allow PHAs to continue to use lower ceiling rents. Families may choose annually whether to pay the flat rent or an income-based rent.	No provision.	Requires PHAs to increase the optional flat (or ceiling) rents for public housing residents at least to 80 percent of the applicable HUD fair market rent by September 30, 2013, except that no family’s rent shall be increase by more than 35 percent per year. (Section 102(a)(1), amending Section 3(a)(2)(B)(i) of the U.S.H.A. Same as policy proposed in HUD’s 2013 budget request.
Recertification of income	Verification of income and calculation of family contribution for rent and utilities required annually. (Sections 3(a)(1) and 8(c)(3) and (o)(5).) Interim recertifications for income	Recertification of income required at least every three years for families on “fixed” incomes (at least 90 percent of income from Social Security, SSI or a similar source), and annually for other families. Interim	Same as December 2010 SEVRA draft.

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Recertification of income cont'd	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified. declines required at tenant's request. Interim recertifications for increases at discretion of agency.	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified. recertifications at tenant's request for any decrease in adjusted income exceeding 10 percent (and for smaller drops if HUD establishes or permits the PHA or owner to establish a threshold below 10 percent) and required for an annual increase exceeding 10 percent (or a different threshold if HUD establishes one), except that no interim rent increases based on earnings are permitted unless the family has received an interim reduction during the year. A PHA or owner may choose not to conduct an interim recertification if the change in income occurs in the last 3 months of a certification period. (Section 3(a)(1)(B), inserting new paragraph (6) on Reviews of Family Income in section 3(a) of the U.S.H.A.)	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.
Use of prior-year income	Regulations state that income is based on the 12-month period following certification. A shorter period may be used, but rents are then subject to recertification at the end of that period. (24 CFR 5.609)	Agencies and owners must use income from the prior year when setting rents, except for purposes of the initial income determination when a family begins receiving housing assistance and interim recertifications due to changes in income. (Section 3(a)(1)(B), inserting new section 3(a)(7) of the U.S.H.A.)	Same as December 2010 SEVRA draft.
Work-related deductions	For voucher tenants with disabilities and all public housing residents who were recently unemployed or on welfare, the full amount of an earnings increase in the first year after the increase occurs and half of that amount in the second year is disregarded. (Section 3(d)) Reasonable child care expenses needed for employment or education are deducted. (Section 3(b)(5)(A).)	Eliminates existing earned income disregard (but does not establish a new deduction of a percentage of earned income like that contained in previous versions of SEVRA). Child care deduction is retained but limited to expenses exceeding 5 percent of income. (Section 3(b)(2), amending section 3(b)(5) of the U.S.H.A.)	Same as December 2010 SEVRA draft.
Dependent standard deduction	\$480 deducted from total income for each dependent in a household. No provision to adjust deductions for inflation. (Sec. 3(b)(5)(A).)	Increases dependent deduction to \$525, with inflation adjustments in future years. (Section 3(b)(2), amending section 3(b)(5) of the U.S.H.A.)	Same as December 2010 SEVRA draft.

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Veterans' aid and attendance expenses	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.
Verification of income and cross-program data sharing	No special exclusion, although some expenses for veterans who are elderly or have disabilities are excluded under the regular medical and disability expense deduction.	Same as current law.	Excludes from income “any expenses related to aid and attendance under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance”. (Section 102(c)(1), amending Section 3(b)(4) of the U.S.H.A.)
Income from assets	Agencies and owners must obtain third-party verification of income and deductions or document why it is not available. (24 CFR 982.516 for voucher program.) No special provision regarding reliance on determinations of income by other programs.	Allows agencies and owners to rely on determinations of income conducted for other federal means-tested public assistance programs, including TANF, Medicaid, and Food Stamps. (Section 3(a)(1)(B), inserting new section 3(a)(8)(E) of the U.S.H.A.) Requires state Food Stamp agencies to make income data available to housing agencies for families receiving both Food Stamp and housing assistance. (Section 19, amending section 11 of the Food and Nutrition Act of 2008.) Agencies cannot be required to maintain records of excluded income. (Section 3(b)(1), amending section 3(b)(4) of the U.S.H.A.)	Same as December 2010 SEVRA draft, except that AHSSIA does not require Food Stamp (SNAP) agencies to make data available to housing agencies.
Rent policy demonstration	Regulations require agencies to impute (i.e., deem) income from assets exceeding \$5,000 using current interest rates, and count the higher of imputed income or actual income from the asset when determining the family’s rent. (24 CFR 5.609.)	Actual income from assets is counted when determining rents, but imputed income is only counted to the extent that net family assets exceed \$50,000. (Section 3(b)(1), amending section 3(b)(4) of the U.S.H.A.)	Same as December 2010 SEVRA draft.
Rent policy demonstration	No provision.	Permits HUD to carry out a demonstration for “a limited number of families” to test different rent policies, such as ceiling rents, tiered rents, and an earned income disregard (but does not allow all agencies to establish alternative rent policies in public housing, as H.R. 3045 did). The demonstration must be initiated by January 1, 2012. (Section 3(g).)	Same as December 2010 SEVRA draft, except that the demonstration start date is changed to the beginning of the first calendar year after enactment of AHSSIA (Section 102(h)).

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Special rules affecting rent paid by certain voucher holders	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>Agencies must set a “payment standard” for each unit size within 10 percent of the HUD-determined Fair Market Rent (FMR). The payment standard operates as the maximum subsidy for a unit, subject to “rent reasonableness” requirements described below. HUD may approve lower or higher payment standards. (Section 8(o)(1).)</p> <p>Payment standards may vary by neighborhood. The subsidy payment may not exceed the payment standard or the unit’s rent and applicable utility allowance, whichever is lower. The amount of the subsidy is equal to the difference between the maximum subsidy and a family’s required contribution. If a family rents a unit with a rent higher than the local payment standard, it must pay the rent above the payment standard itself (in addition to 30 percent of adjusted income).</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>The 90 to 110 percent of FMR discretionary range for area payment standards remains unchanged, but PHAs can increase the payment standard to 120 percent of the FMR without having to seek HUD approval as a reasonable accommodation for a person with a disability. (Section 11(c), amending section 8(o)(1)(D) of the U.S.H.A.)</p> <p>No provision on utility allowances.</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p> <p>Same as December 2010 SEVRA draft (Section 102(d) amending section 8(o)(1)(D) of the U.S.H.A.)</p> <p>Higher utility allowances shall be approved by PHAs on request of people with disabilities if needed as a reasonable accommodation to enable the family to use a voucher. (Section 109(1) amending section 8(o)(2) of the U.S.H.A.)</p> <p>Utility allowances are capped based on the number of bedrooms a family is eligible to occupy given its composition, regardless of whether the family rents a larger unit. (Section 109(1) amending section 8(o)(2) of the U.S.H.A.)</p>
Eligibility and targeting (covering vouchers, public housing, and project-based Section 8)			
Income eligibility	<p>Income limits apply only at initial eligibility determination. (See Sections 3(a)(1) and 8(o)(4).) Generally, a family is eligible to begin to receive public housing or any type of section 8 assistance only if it is “low income,” that is, if its income does not exceed 80 percent of the HUD-adjusted area median income for its family size. (Exceptions apply for families receiving vouchers due to the end of federal mortgage assistance for certain types of properties [see 24 C.F.R. § 982.201(b)(v)], for</p>	<p>For all programs, limits initial <i>and continuing</i> eligibility to “low income” families (those with income at or below 80 percent of the HUD-adjusted area median income level). The bill exempts two groups of families from this limitation: (a) those receiving “enhanced” vouchers due to the end of federal assistance for privately-owned units, and (b) those residing in assisted units at the date of enactment with incomes up to 95 percent of AMI, if this higher income eligibility level applied at the date of enactment. The bill allows PHAs and owners not to</p>	<p>No provision (i.e., retains current law).</p>

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Income eligibility cont'd	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>public housing operated by small agencies without income-eligible applicants, and for police officers.) By regulation, HUD permits (but does not require) PHAs to evict over-income families from public housing unless they are participating in the Family Self-Sufficiency program or receiving the earned income disregard. (24 C.F.R. § 960.261.) In most geographic areas, families no longer qualify for voucher assistance at an income level well below the eligibility ceiling of 80 percent of area median because 30 percent of their income exceeds the subsidy level.</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>enforce the income limitations on recertification in public housing and project-based Section 8, and to delay eviction of tenants or termination of voucher assistance for six months. (Section 4(b).)</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p>
Asset limits	<p>There are no asset limits for public housing or the Section 8 programs. Income from assets is counted in determining rent obligations. (See rent section above.)</p>	<p>Makes applicants and current tenants or participants ineligible for public housing or the Section 8 programs if they have more than \$100,000 in net assets (adjusted annually for inflation) or have “a present ownership interest” in a suitable home for which they have a legal right to reside and legal authority to sell, unless the home is being purchased with a voucher or the family includes a person who is a victim of domestic violence or is making a good faith effort to sell the home. Excluded from assets are interests in Indian trust land, equity in homes purchased with a voucher, equity accounts in HUD homeownership or FSS programs, certain inaccessible trust funds, retirement accounts, settlements or awards due to actions that resulted in the serious disability of a household member, tax-protected education savings accounts, personal property not of significant value, and real property that the family does not have legal authority to sell. Allows PHAs and owners to adopt a policy of not enforcing the asset limitations at all, to establish exceptions, or to delay for up to six months evictions of tenants or termination of voucher holders with assets above the limit. (Section 4(a), inserting new section 16(e) of the U.S.H.A.)</p>	<p>Same as December 2010 SEVRA draft.</p>

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Targeting	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified. 75 percent of families that enter the voucher program and 40 percent of families moving into public housing and project-based Section 8 each year must have incomes at or below 30 percent of the area median income level (termed “extremely low-income” by HUD). The remaining families may have incomes up to 80 percent of area median income. (Sections 8(o)(4) and 16(b).)	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified. Applies the 75 percent voucher targeting requirement (and the 40 percent requirement in public housing and project-based Section 8) based on a new statutory definition of “extremely low-income” as the <i>higher of</i> 30 percent of area median income or the federal poverty line, adjusted by family size. On average nationally 30 percent of area median income is close to the poverty line, but there is significant local variation. The bill provides an exception for Puerto Rico and other U.S. territories, where targeting continues to be based solely on 30 percent of median income. (Section 5, amending sections 16 and 3 of the U.S.H.A.)	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified. Same as December 2010 SEVRA draft.
Voucher Funding			
Agency funding levels	In 2003 and earlier years, agencies received sufficient funding to support the actual cost of authorized vouchers in use. In 2005 and 2006, agencies’ renewal funding was based on the number of authorized vouchers in use in May – July 2004 and their cost, adjusted by HUD’s formula annual adjustment factors and for tenant protection vouchers. (A similar policy applied in 2004 based on mid-2003 data.) For 2007, Congress changed to a renewal funding policy similar to that in SEVRA. Agencies’ renewal funding was based on the cost of their vouchers in use in calendar year 2006, adjusted by inflation and for recently-issued tenant protection vouchers and for vouchers reserved for project-based commitments. For 2008, 2009, and 2010, Congress directed HUD to base renewal funding on agencies’ voucher leasing and costs in the prior <i>fiscal year</i> (12 months ending September 30), with similar adjustments to those applied in 2007. In some years renewal	Each agency’s share of annual appropriations is based on its actual leasing and costs in the last completed calendar year, adjusted by HUD’s formula annual adjustment factors and for recently-issued tenant protection or incremental vouchers. Adjustments also are required for vouchers left unused due to project-based voucher commitments and for the full-year cost of vouchers ported in the prior calendar year, and HUD has discretion to make other adjustments. Renewal funding is not provided for vouchers funded by: (a) non-voucher funds, unless a PHA used the funds to maintain vouchers in use in a year when renewal funding is reduced by proration; or (b) the use of advance funds (see below). “Overleasing” is permitted, but vouchers above an agency’s authorized level <i>and</i> funded with reserves are not counted when calculating the following year’s renewal funding. If Congress provides insufficient funding, each agency’s share is pro-rated, except for the renewal costs of enhanced vouchers under section 8(t),	Requires that each agency’s share of funding be based on actual leasing and costs in the prior calendar year adjusted for inflation, with adjustments for first-time renewals and project-based voucher commitments and for additional costs due to unforeseen circumstances, portability, and FSS escrow costs. If Congress does not provide sufficient funding to meet the costs of this formula, HUD is directed to reduce funding for each agency on a pro rata basis, except that the renewal cost of enhanced vouchers would be fully funded. “Overleasing” is permitted, but vouchers above an agency’s authorized level <i>and</i> funded with reserves are not counted when calculating the following year’s renewal funding. HUD is allowed to offset the renewal funding due each agency by the amount of its excess reserves, and required to use the amount of

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Agency funding levels cont'd	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>funding has been offset by excess fund balances from prior years (see below).</p> <p>Since 2003 Congress has prohibited use of renewal funding for more than an agency's authorized number of vouchers.</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>which must be funded in full. (Section 6, inserting section 8(dd)(2) of the U.S.H.A.)</p> <p>HUD is directed to set aside funds not needed to fund the formula due to offsets for excess reserve levels or "extra" appropriations to reimburse increased costs related to portability and "family self-sufficiency activities" in the current year, as well as to adjust funding for agencies that have experienced increased costs due to unforeseen circumstances. Any remaining funds not needed for these two purposes are to be used first to avoid or reduce proration of renewal funds, and then distributed based on priorities established by HUD. (Section 6, inserting section 8(dd)(5) of the U.S.H.A.)</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p> <p>such offsets first to avoid or reduce any proration in renewal funding allocations. HUD may use any remaining funds for adjustments or for tenant protection vouchers if the funds provided for these purposes are insufficient. Unlike SEVRA, HUD has no general reallocation authority. (Section 105, amending section 8(dd) of the U.S.H.A.)</p>
Reserve funds and advances	<p>Prior to 2002, PHAs were permitted to retain two months of reserves, and HUD replenished reserves used for permissible purposes. In 2002, Congress reduced the maximum reserve level to one month, and recaptured the additional funds. The 2003 and 2004 appropriations acts provided a central fund to HUD to permit agencies to increase use of authorized vouchers. The 2005 appropriations act required HUD to reduce program reserves from one month to one week. In January 2006, HUD announced that it was rescinding all remaining reserve funds accumulated from 2004 and earlier voucher funding, but would allow agencies to retain unused 2005 funds in an "undesignated fund balance account," subsequently renamed a "net cumulative HAP equity account."(PIH 2006-03, January 11, 2006; PIH 2007-14, June 18, 2007.) Agencies may use these carry-over funds to support additional authorized vouchers.</p>	<p>Agencies are permitted to retain reserves up a threshold to be set by HUD, which must be at least 6 percent of the agency's renewal funding. Unused funds from the first year of funding allocated for new vouchers do not count toward the allowable reserve level. HUD is permitted to offset reserves above this level against the agency's funding for the current year (that is, deduct them from the funding level). (See above for how these funds are to be reallocated.) (Section 6, inserting section 8(dd)(3) of the U.S.H.A.)</p>	<p>Agencies are permitted to retain reserves up to at least 6 percent of the agency's current year renewal funding. Any unused funds from the first year of voucher allocations are excluded from the reserve calculation. (Section 105, inserting section 8(dd)(4) of the U.S.H.A.)</p> <p>No provision regarding funding advances.</p>

Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Reserve funds and advances cont'd	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified. For 2008, Congress defined excess fund balances as the amount above 7 percent of 2007 renewal funding that could not be used for authorized vouchers. For 2009, Congress directed HUD to offset \$750 million in reserves against agencies' renewal funding. HUD offset varying proportions of agencies' reserves, depending on the agencies' rate of utilization of vouchers and voucher funds and whether the reserves could be used to fund authorized vouchers. There was no offset provision for 2010.	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified. Every agency may, in the last quarter of the calendar year, draw up to an additional two percent of renewal funding as an advance, subject to approval by HUD and availability of funds. The advance is then deducted from the agency's renewal funding for the following year. HUD is permitted to require agencies to exhaust reserves before accessing funding advances, and the maximum advance an agency can receive is reduced by the amount of reserves HUD requires it to exhaust. Advance funds may be used to meet the costs above the annual funding level incurred for any reason, including temporary overleasing. (Section 6, inserting section 8(dd)(4) of the U.S.H.A.)	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.
Authorization of renewal funding	Funding to renew previously awarded vouchers is permanently authorized, subject to appropriation. (Section 8(dd).)	Renewal funding "as may be necessary" is permanently authorized. (Section 6, inserting section 8(dd)(1)(A) of the U.S.H.A.)	No explicit provision, though section directs HUD to renew all expiring tenant-based annual contributions as specified, subject to appropriations. (Section 105, inserting section 8(dd)(1) of the U.S.H.A.)
Tenant protection vouchers	Various sections of the U.S. Housing Act authorize the issuance of new "tenant protection" vouchers to replace other federal housing assistance.	Includes authorization for "tenant protection" vouchers, vouchers necessary to comply with a consent decree or court order and to protect victims of domestic violence, and new project-based certificates and moderate rehabilitation units under previously repealed provisions. If insufficient funds are available to award all of the authorized tenant protection vouchers that are requested, priorities are to be set in appropriations legislation or by HUD. (Section 6, inserting revised section 8(dd)(1)(B) of the U.S.H.A.)	Subject to appropriations, HUD is directed to provide tenant protection vouchers for relocation or replacement housing as otherwise authorized by law or permitted by a HUD notice or regulation. There is no listing of situations where such vouchers are authorized to be issued, as in SEVRA. (Section 105, inserting section 8(dd)(1) of the U.S.H.A.)
Special purpose vouchers	From 1997 to 2002, Congress and HUD funded about 57,000 additional vouchers for non-elderly people with disabilities, largely as a means to offset the reduction in housing opportunities created by permitting other federally-assisted housing to be "designated" for the elderly. From 1994 to 2001, HUD awarded about	HUD is required to issue guidance to ensure that, "to the maximum extent practicable," vouchers provided for non-elderly disabled families or homeless veterans in 1997 or later years continue to be made available to those groups upon turnover. (Section 6(b) of the bill.) Amends authorizing statute to establish an allocation	No provision.

Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Special purpose vouchers cont'd	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified. 34,000 vouchers under the Family Unification Program (FUP) to families for whom a lack of adequate housing would otherwise require a child to be placed in out-of-home care through the child welfare program. Congress again provided funding for new vouchers under both these programs in 2008 and 2009, and under FUP in 2010. In some recent years, Congress has included language in appropriations acts requiring that vouchers for non-elderly people with disabilities and FUP vouchers continue to be made available upon turnover to the same populations “to the extent practicable.” In 2008, 2009, 2010 and 2012 Congress also provided funding for vouchers for supportive housing for homeless veterans. These vouchers were accompanied by a requirement that they remain available for the same purpose upon turnover, as well as a provision allowing HUD to waive restrictions on VASH upon a finding that this is necessary.	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified. method and rules for VASH waivers similar to those permitted in 2008-2010 appropriations bills. (Section 18, amending section 8(o)(19) of the U.S.H.A.) No provision is included regarding vouchers originally issued under the family unification program.	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.
Moving-to-Work (MTW) Demonstration			
Legal authority	Demonstration program authorized by Section 204, title V of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134)	No provision.	Bill creates a new program to provide flexibility for high-capacity public housing agencies. Agencies in the MTW demonstration would be allowed to opt into the new program. (Section 401, inserting new section 37 in the U.S.H.A., and section 402.)
Purposes	To design and test various approaches to reduce costs, promote work, and increase housing choices.	No provision.	In addition to the purposes of the current MTW statute, the new section 37 emphasizes preservation of public housing and development of additional affordable housing, including supportive housing, and increasing the number of families receiving tenant-based assistance; highlights energy as an area for

Policy	CURRENT LAW Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.	2010 SEVRA DRAFT Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.	2012 AHSSIA DRAFT Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.
Purposes cont'd			cost-savings and the need to leverage other funds; aims to conduct a rigorous evaluation of alternative rent-setting and continued occupancy policies; and seeks approaches that are developed with the support of the local community and substantial participation of affected residents. (Section 401, inserting new section 37(a).)
Number of MTW agencies	Currently, 35 agencies participate in MTW. Original MTW statute permitted HUD to admit up to 30 agencies. Some agencies originally admitted to the demonstration have left, but Congress has permitted or directed HUD in several annual appropriations bills to admit additional agencies.	No provision.	Instead of a limit on the number of participating agencies, PHAs with up to 500,000 total public housing units and authorized vouchers would be permitted in the new program. Agencies with more than 50,000 units, and existing MTW agencies that opt in, would not count toward this cap. Up to 25 of the PHAs admitted into the new program could have “enhanced” flexibilities subject to rigorous evaluation. (Section 401, inserting sec. 37(b)(3) and (e).)
Term of MTW participation	No term limitation in the statute. Initially HUD generally entered into contracts for 5 to 7 years. All agencies are currently operating under agreements with expiration dates in 2018.	No provision.	No term limitation on participation in new program. HUD’s authority to terminate participation would likely be included in its contracts with agencies. Current MTW agencies may opt to transfer to the new program at any time unless they are in default of their agreement (Section 402).
Selection criteria for new MTW agencies	HUD must consider each agency’s potential to carry out its proposal and its past performance in operating its public housing program. (Title V, section 204(d) of 1996 appropriations act).	No provision.	Only “high-capacity” agencies are eligible, and must have, in the calendar year prior to its application, a public housing occupancy rate and housing voucher utilization rate of at least 95 percent (if the agency administers both programs). HUD must make a draft selection notice available for comment, which must aim to admit a diversity of PHAs. (Section 401, inserting section 37(b) of the U.S.H.A.)

Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Funding and use of funds at MTW agencies	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified. Agencies may combine public housing (operating and capital funds) and voucher (housing assistance funding and administrative fees) funds (Title V, section 204(b) of 1996 appropriations act). Funding is not to be diminished due to participation in the demonstration (Title V, section 204(f) of 1996 appropriations act).	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified. No provision.	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified. Agencies may combine public housing (operating and capital funds) and voucher (housing assistance funding and administrative fees) funds, subject to the revised “substantially the same” requirement. (Sec. 37(d)(1) and (2). Program funds shall not be diminished <i>or increased</i> based on participation in the program. (Section 37(d)(5).)
Number of families served at MTW agencies	Agencies that combine public housing and voucher funds must assist “substantially the same total number of families would have been served if the funds had not been combined.” HUD has implemented this requirement in a manner that allows agencies to assist significantly fewer families than they receive funding to serve. MTW agencies must also continue to serve a comparable mix of families by size. (Title V, section 204(c)(3)(C) and (D) of 1996 appropriations act).	No provision.	Agencies are permitted to reduce the number of families “assisted” by 2 percent below the level in the year prior to operating under the new program (with certain adjustments) if the funds are used for eligible purposes. HUD must approve a request to reduce the number of families “assisted,” by up to 10 percent of its voucher baseline if funds are used for housing choice and mobility initiatives, homelessness initiatives, or supportive services to improve outcomes unless the reduction is greater than needed to test the proposed activity; or by up to 15 percent of its voucher baseline if funds are used for capital activities to serve “assisted families” unless the reduction is greater than needed to complete the proposed capital activities. A family qualifies as “assisted” if it is counted in determining compliance with targeting requirements and pays rent under the Housing Act or no more than 28 percent of gross income, or is one of a set of families whose average rent burden does not exceed the agency’s average rent burden in the year prior to participation or the average for families served by other PHAs in the metro area or county not in the program. Families in the evaluation of enhanced policies are not subject

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Number of families served at MTW agencies cont'd			to this definition. Sec. 37(d)(2) and (3).
Income targeting at MTW agencies	Not fewer than 75 percent of assisted families must have incomes at or below 50 percent of area median income. (Title V, section 204(c)(3)(A) of 1996 appropriations act).	No provision.	Agencies generally must comply with the targeting rules of the voucher and public housing programs (for vouchers, 75 percent of annual admissions must be extremely low income [30 percent of area median income or below]; for public housing, 40 percent of annual admissions must be extremely low income). HUD may calculate a blended targeting rate based on the ratio of units assisted under each program in the agency's baseline. (Sec. 37(d)(4)(A).)
Rent rules at MTW agencies	Rent policy must be "reasonable" and designed to encourage employment and self-sufficiency (Title V, section 204(b) of 1996 appropriations act).	No provision.	Participating agencies may streamline rent policies and procedures but, except for agencies in the enhanced program, are constrained to impose no more than modest rent increases on families counted as "assisted." Agencies that use a percentage of gross income or modify rent policies in other ways, subject to the average rent burden test, must adopt hardship policies. Enhanced agencies may make "substantial" rent policy changes "designed to encourage self-sufficiency" and subject to rigorous evaluation. (Sec. 37(d)(2), (3) and (8), (e)(1)(A), (g)(2).)
Work requirements and time limits	Agencies may impose "terms and conditions" on receipt of housing assistance "to facilitate the transition to work" subject to approval by HUD (Title V, section 204(b) of 1996 appropriations act).	No provision.	Agencies are not permitted to impose work requirements or time limits except as part of the enhanced program (not more than 25 agencies) and subject to evaluation. (Sec. 37(d)(8), (e)(1), (g)(2).)
Application of other U.S. Housing Act requirements	All public housing and voucher units at MTW agencies must meet HUD-established quality standards. HUD may waive any provision of	No provision.	In addition to prevailing wage and demolition/disposition requirements, PHAs would be bound by existing statutory

Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Application of other U.S. Housing Act requirements cont'd	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified. the U.S. Housing Act except Section 12 (applying Davis-Bacon prevailing wage requirements to development of public housing or buildings with 9 or more section 8 assisted units) and Section 18 (concerning demolition and sale of public housing) (Title V, section 204(c)(3)(C) and (e) of 1996 appropriations act).	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified. requirements regarding the procedural rights of applicants and tenants and portability rights of voucher holders, and PHAs' ability to project-base vouchers would be expanded but limited so that families retain an ability to move with voucher assistance.(Sec. 37(d)(4).)
Resident and community input	Public hearing and consideration of comments from "current and prospective residents" prerequisite to submission of initial application (Title V, section 204(c)(2) and (3) of 1996 appropriations act). HUD has required public notice and comment on subsequent proposed annual plans, but has waived other requirements concerning the resident advisory board and the PHA plan process.	No provision.	To be eligible for the program, PHAs must convene at least two public meetings and submit any written comments from residents or members of the public to HUD with the application. (Sec. 37(b)(2)(C) and (D). Annually, each participating PHA must notify the families it serves about the impact of proposed policy changes and the schedule of resident and public meetings to discuss the proposed plan, must make the proposed annual plan available to the public, and must hold at least one meeting with the resident advisory board and one public meeting to obtain comments on the plan. (Sec. 37(d)(6).) HUD cannot waive statutory requirements to have at least one resident board member, to form a resident advisory board, or to recognize and involve resident councils and jurisdiction-wide resident organizations. (Sec. 37(d)(4)((B), (D), and (Q).) \$10 million for each of the next five years is authorized for competitive grants for capacity-building of tenant organizations at new and existing MTW agencies, and HUD is directed to use the portion of public housing operating funds designated for resident participation for the same purpose if new participants, prior to entry, did not use them for a resident council. (Sec. 37(i).)

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HUD review of agency performance	Not required.	No provision.	HUD must review each agency’s plan and report annually, and shall approve the proposed plan for the following year only if the agency has complied with applicable requirements. (Sec. 37(d)(7)(D) and (E).)
Evaluation	Detailed evaluation required of up to 15 agencies to identify “replicable program models promoting the purpose of the demonstration” with report to Congress required 6 months after the end of the third year (Title V, section 204(b) and (g) of 1996 appropriations act). In practice, a meaningful evaluation was never possible because HUD failed to collect relevant data and agencies were not required to design demonstration programs in a manner that allowed experimental evaluation. The Urban Institute completed an evaluation report in 2004 based on the limited information available.	No provision.	HUD must conduct three types of evaluations: 1. an overall evaluation to determine whether the program’s flexibilities achieved each of the statutory purposes; 2. an assessment of whether approved uses of funds shifted from assisting the baseline number of families succeeded in achieving their goals and at what cost; and 3. a rigorous, random assignment controlled evaluation of the impact of substantial changes in rent policies, work requirements and time limits. An Advisory Council must be established to provide input on all stages of these evaluations. HUD must submit three reports to Congress, within 3, 6 and 9 years of enactment. The bill authorizes \$24 million for evaluations, which to the extent possible should also be used to defray the costs of evaluation for participating agencies, and \$25 million over 5 years for “program support,” including data collection and analysis. (Sec. 37(g) and (h).
Self-Sufficiency			
Family Self-Sufficiency program	Every agency is permitted to operate a Family Self-Sufficiency (FSS) program, which provides case management support and the opportunity to accumulate savings. Some agencies are required to enroll a specified number of families in FSS, based on special awards of voucher funds prior to 1998. Depending on the level of	The bill makes no change in FSS program requirements or policies, but does include two funding policy changes to encourage PHAs to initiate and expand FSS programs. First, the funding policy provides additional funds to agencies related to costs of FSS savings accounts. Second, fees for FSS coordinators are distributed by formula rather than through a	Section 301 of the bill (amending section 23 of the Act) expands eligibility for FSS to tenants in units assisted with project-based section 8 subsidies. Adoption of a program is voluntary for owners of such properties. Generally, such tenants would participate in an FSS program operated by a PHA, if one is available that will

Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Family Self-Sufficiency program cont'd	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>appropriations and HUD selection criteria, agencies may receive additional funding from HUD for the cost of FSS coordinators. (Section 23; 24 C.F.R. Part 984.) Prior to funding policy changes in 2005, HUD provided additional funding to cover the cost of the savings accounts. In 2008-2010, the voucher funding formula allowed for adjustments for increases in FSS escrow costs.</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>competition in which HUD can change the criteria annually, as has occurred in recent years. A portion of the fees may be allocated as an incentive for high performance. (Section 7 of the bill, amending section 23(h)(1) of the U.S.H.A.).</p> <p>In addition, the bill requires a formal outcome-based evaluation of FSS using random assignment, authorizes \$10 million for the evaluation, and requires HUD to submit to Congress an interim evaluation within 4 years and a final evaluation within 8 years. (Section 7, inserting new section 23(h)(1)(G) of the U.S.H.A.)</p> <p>FSS escrowed savings are exempt from the new asset test. (Section 4(a), inserting new section 16(e)(2) of the U.S.H.A.)</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p> <p>admit the families. If no PHA is willing or able to admit the families, owners can administer their own program and be eligible for coordinator funds if they serve at least 25 participants.</p> <p>Merges the public housing and voucher FSS programs and updates core program policies.</p> <p>Requires large PHAs (defined as PHAs with 500 or more combined voucher and public housing units, excluding any public housing units in properties “designated” for occupancy by seniors or people with disabilities) to offer or expand FSS programs if Congress provides sufficient coordinator funding.</p> <p>Directs HUD to revise the performance standards for the public housing and voucher programs to incentivize PHAs to offer or expand FSS programs, and to report annually on the cooperation agreements that PHAs have made with welfare, workforce, education and other agencies that provide supportive services.</p> <p>Prohibits families who remain in assisted housing after completion of their FSS contracts (who are permitted to make interim withdrawals during their contracts) from spending their escrowed savings except for designated self-sufficiency-related expenditures.</p> <p>The changes regarding fees for FSS coordinators are similar to the December 1 bill, but AHSSIA provides a single funding stream for all coordinators rather than separate</p>

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Family Self-Sufficiency program cont'd			voucher administrative fees for voucher coordinators. FSS escrowed savings are exempt from the new asset test.
Economic Security Demonstration	No provision.	No provision.	Directs HUD to carry out a rigorous demonstration to evaluate options for helping to increase the economic security of housing assistance recipients, including earnings incentives, asset accounts, work requirements, and other interventions. Gives HUD authority to determine the number of participating agencies, but directs HUD to limit the number affected to the number needed to conduct a rigorous evaluation. \$25 million is authorized for the evaluation. (Section 302)
Other Provisions			
Downpayment assistance	Agencies may use funds to help a participating family meet downpayment costs. Maximum amount of downpayment assistance is equal to one year of the amount of voucher subsidy for which a family would have been eligible. (The maximum would be approximately \$7,000 on average in 2009, and would be less for families with higher than average incomes.) (Section 8(y)(7); §982.643.) Option is not effective until approved in advance in an appropriations act, which has never occurred.	Removes requirement for advance approval in an appropriations act, enabling HUD to make the option immediately effective. Other restrictions of current law apply, but the amount of the maximum payment is changed to \$10,000 (an increase in most cases), rather than being based on the amount of voucher subsidy for which a family would have been eligible over a one-year period. (Section 8(a), amending section 8(y)(7) of the U.S.H.A.)	No provision.
Manufactured homes	Subsidy payments are permitted only to meet the costs of renting the land on which a manufactured home owned by a family is located. No subsidy is permitted for utility costs, property taxes or the costs of the loan or insurance on the manufactured home. (Section 8(o)(12).) HUD generally limits the payment	SEVRA allows vouchers used for manufactured homes to cover payments and insurance on the home, property taxes, ground rent, and tenant-paid utility costs, subject to the same payment standards that apply to other rental or homeownership payments. PHAs may choose to pay the subsidy amount attributable to costs other than the ground rent directly to the family. (Section	No provision.

Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Manufactured homes cont'd	standards for land rentals to 40 percent of the 2-bedroom fair market rent. (24 C.F.R. section 888.113(g).)	8(b), amending section 8(o)(12) of the U.S.H.A.)	
Enhanced Vouchers	Tenants in privately-owned properties who face steep rent increases due to the end of federal subsidies for certain reasons – including prepayment but not expiration of a subsidized mortgage — have the right to remain in their homes with an “enhanced” voucher to meet the increased rent costs. (Section 8(t).)	Families facing rent increases due to expiration of subsidized mortgages who would have been eligible for enhanced vouchers if the owner had prepaid the mortgage are eligible for enhanced voucher assistance. (Section 9, amending Section 8(t) of the Act.)	No provision.
Project-based vouchers	An agency may project-base up to 20 percent of its budget authority. (HUD’s regulations allow agencies to exceed this level if annual funding is reduced after the commitment of project-based vouchers.) The initial contract term may be up to 15 years, and PHAs may agree at any time to extend the term in up to 15-year increments subject to certain conditions. Project-basing is permitted only in areas consistent with the goals of deconcentrating poverty and expanding housing and economic opportunity. No more than 25 percent of units in a project may receive project-based voucher assistance, with exceptions for units housing the elderly, people with disabilities, or families receiving supportive services. (PHAs may define what types of supportive services qualify.) Families have a right to relocate with the next available voucher after one year. Certain special subsidy and rent rules apply, enabling higher subsidies if reasonable (including in LIHTC units) and restricting tenants’ contribution to 30 percent of income. (Section 8(o)(13) as amended by the Housing and Economic Recovery Act of 2008, P.L.110-289; final rules at 24 C.F.R. Part 983, issued October 2005, revised by 72 Fed. Reg.	<p>Makes a series of changes to facilitate the use of project-based vouchers (PBVs) by PHAs:</p> <p>a. Maintains existing 20 percent cap on project-basing, but allows an agency to base the cap on the higher of 20 percent of its budget authority or 20 percent of its authorized vouchers. An agency may project-base an additional 5 percent of its vouchers or funds (up to total of 25 percent) in units housing individuals and families meeting the McKinney homelessness definition, providing supportive housing to persons with disabilities, located in areas where vouchers are difficult to use, or for other reasons specified by HUD.</p> <p>b. Allows the greater of 25 percent of the units in a project <i>or 25 units</i> to receive project-based voucher assistance. Current exceptions to these limitations for projects that serve the elderly and people with disabilities continue to apply, but the exception for families receiving supportive services is narrowed to services meeting standards established by HUD. A new exception is added for areas in which vouchers are difficult to use (as defined by HUD) or the poverty rate is 20 percent or less. In these areas, 40 percent of the units in a project may have PBVs.</p> <p>c. Permits owner-managed site-based waiting lists,</p>	<p>Same as December 2010 SEVRA draft except that:</p> <ul style="list-style-type: none"> • Project-basing is capped at 20 percent of <i>authorized vouchers</i> plus an additional 5 percent of authorized vouchers for designated unit types, regardless of the percentage of budget authority used. Also, units that house veterans or elderly persons are added to the list of units that qualify under the additional 5 percent. • Projects with project-based voucher contracts in effect when AHSSIA is enacted that have more project-based vouchers than would be permitted under the AHSSIA requirements would not be required to reduce the number of project-based vouchers. • AHSSIA drops the SEVRA provisions allowing project-based vouchers to be used in a PHA-owned unit without a competitive process, allowing special exception payment standards for PBV projects, requiring that PBV contracts provide for rent adjustments, and limiting terminations of tenancies during the term

Policy	CURRENT LAW	2010 SEVRA DRAFT	2012 AHSSIA DRAFT
Project –based vouchers cont’d	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>65206, Nov. 19, 2007 (re rent levels for project-based vouchers in tax credit units) and 73 FR 71037 (re HERA provisions). See http://www.cbpp.org/archiveSite/11-25-08/hous-prac.pdf for a description of the HERA changes.</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>subject to PHA oversight and responsibility and requirements of applicable civil rights laws.</p> <p>d. Permits project-based vouchers to be used in PHA-owned units without following a competitive process, so long as the action is included in the PHA plan.</p> <p>e. Increases the maximum contract length from 15 to 20 years.</p> <p>f. Allows HUD to establish special exception payment standards that allow rents above 110 percent of the local Fair Market Rent for a particular PBV project, if the rents are reasonable compared to market rents.</p> <p>g. Requires that PBV contracts provide for rent adjustments if requested by owner.</p> <p>h. Prohibits owners from terminating tenancies during the term of a PBV contract except for serious or repeated violations of the terms and conditions of the lease or for violations of applicable law.</p> <p>i. Provides that if an agency experiences a funding shortfall, agencies must take all other available cost-saving measures short of terminating vouchers before cutting payments under project-based voucher contracts. (Section 10, amending section 8(o)(13) of the U.S.H.A.)</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p> <p>of a PBV contracts (i.e., changes outlined (d) and (f) – (h) in prior column are omitted).</p> <p>(Section 106, amending Section 8(o)(13) of the USHA.)</p>
Rent burdens	<p>HUD is directed to “monitor” rent burdens and determine if “a significant percentage” of families pay more than 30 percent of income for rent. (Regulations provide that it would be “significant” if 40 percent or more of participating families’ rent burdens exceeded 30 percent of income. See 24 C.F.R. section 982.503(g)(2).) In such a case, HUD may but is</p>	<p>HUD must report annually to Congress and provide data to public housing agencies on the percentage of families in the voucher program paying more than 30 percent and more than 40 percent of adjusted income for rent and the relationship between geographic concentration of voucher holders (analyzed by race and ethnicity) and agency payment standards. PHAs must make these data public, including as part of the PHA</p>	<p>No provision similar to 2010 SEVRA, but section 112 adds new directive to GAO to study the voucher program, including an examination of the distribution and concentration of vouchers.</p>

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Rent burdens Cont'd	not required to direct a PHA to increase its payment standard. (Section 8(o)(1)(E).)	<p>plan.</p> <p>If the vouchers administered by a PHA are excessively clustered in higher poverty neighborhoods or the percentage of assisted families paying more than 40 percent of income for rent and utility costs at a particular PHA exceeds standards set by HUD, the PHA must adjust its payment standard to eliminate excessive rent burdens within a reasonable time or explain its reasons for not doing so.</p> <p>HUD may not deny a PHA request to increase an area payment standard up to 120 percent of FMR to remedy rent burdens in excess of the national average or undue concentration of voucher holders in lower rent, higher poverty areas. (Section 11(a) and (b), amending sections 8(o)(1)(E and 5A(d)(4) of the U.S.H.A.)</p> <p>For proposed changes in policy for calculating tenant rent payments, which also affect tenants in the public housing and project-based Section 8 programs, see rent policy section above.</p>	
Fair Market Rents	HUD is required to establish Fair Market Rents (FMRs) for units of various sizes that are suitable for occupancy by low-income households in each “market area.” Proposed FMRs must be published in advance for comment in the Federal Register and final FMRs must be published by October 1 st of each year. (Section 8(c)(1).)	Eliminates requirement that proposed FMRs be published for comment, but requires that FMRs be published at least 30 days before they go into effect. In addition, requires that HUD publish proposed methodological changes in advance for comment and allow interested parties to request changes after final FMRs are published. Housing agencies are permitted to request exception payment standards subject to HUD established criteria. To protect current voucher holders from declines in subsidies when FMRs drop, PHAs are permitted to continue to use payment standards based on the pre-reduction FMRs for as long as a family remains in the same unit. (Section 12, amending sections 8(c)(1) and 8(o)(1) of the U.S.H.A.)	Section 107 is the same as December 2010 SEVRA draft.

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Screening and due process	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>Prospective landlords are responsible for deciding whether a family will be suitable as a tenant. Before issuing a voucher to an applicant at the top of the waiting list, however, PHAs are required to screen for certain types of criminal offenses and drug-related activity. PHA's may also elect to screen tenants based on additional criteria related to tenant behavior or suitability. (Section 8(o)(6)(B); 24 C.F.R. sections 982.201(f); 982.307, 982.552-.553.)</p> <p>The statute is silent concerning notice and hearing rights of voucher applicants denied admission to the program based on such screening. It also does not address the due process rights of program participants if an agency decides to terminate voucher assistance. Under HUD regulations, applicants denied assistance and participants subject to termination of voucher assistance have rights to notice and informal review or hearing by the agency. HUD's rules allow but generally do not require consideration of mitigating circumstances. (24 C.F.R. sections 982.552-.555.) In contrast, the public housing statute specifies the informal hearing rights of applicants and tenants. (See section 6(c)(4) and (k).)</p> <p>PHAs (for the voucher program and public housing) and project-based Section 8 owners must establish standards prohibiting admission of applicants who are currently using illegal drugs or that have a pattern of illegal drug use or alcohol abuse that "may interfere with the health, safety or peaceful enjoyment of the premises by other residents." In addition,</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>If a PHA elects to apply screening criteria for voucher applicants beyond those that are required, the screening must be "limited to criteria that are directly related to an applicant's ability to fulfill the obligations of an assisted lease, and shall consider mitigating circumstances related to such applicant." (This likely means, for example, that an applicant with a history of nonpayment of credit card bills, but good rent payment history, could not be denied a voucher on the basis of credit history.)</p> <p>Basic due process requirements are added to the voucher statute that are similar to requirements in the public housing statute: notice of the basis of a decision to deny or terminate assistance and an opportunity for an informal hearing at which the hearing officer must consider evidence of mitigating circumstances, including conduct after the date of the actions that are the basis of the adverse action. Public and assisted housing tenants shifted to the voucher program due to demolition or disposition of their units or the termination of HUD contracts are not to be considered as applicants for voucher assistance and are not subject to elective screening. (Section 13, amending section 8(o)(6)(B) of the U.S.H.A.)</p> <p>Requires standards prohibiting admission of illegal drug users and chronic alcohol abusers. But denials of admission must be based on "evidence that is credible and objective."</p> <p>Limits denials for criminal activities to violent and drug-related activity or a pattern of other criminal activity during a reasonable period before the admission date taking into account the specific activity and circumstances (except that separate lifetime admission bans related to sex offenses and methamphetamine</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p> <p>Section 108 is the same as December 2010 SEVRA draft except as noted below.</p> <p>Same as December 2010 SEVRA draft.</p> <p>No provisions changing general policies concerning admission of chronic alcohol abusers, illegal drug users or those with other criminal history, except includes same requirement as December 1 draft extending the sex offender ban to require owners of assisted housing to terminate current occupants who are subject to lifetime registration requirements under State law.</p>

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Screening and due process cont'd	<p>Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified.</p> <p>tenants who have been evicted from federally assisted housing due to drug-related criminal activity are ineligible for assistance for three years unless they complete a rehabilitation program. (Section 576(a) and (b) of QHWRA [42 USC 13661(a) and (b)])</p> <p>PHAs and owners must prohibit admission of any household subject to a lifetime state sex offender registration requirement. (Section 578 of QHWRA [42 USC 13663]), 960.204(a)(4), 982.553(a)(2)(i)</p> <p>In all three programs, PHAs and owners are permitted to deny assistance to applicants who have engaged in any criminal activity that could have adverse effects on other tenants. (Section 576(c) of QHWRA [42 USC 13661(c)]).</p>	<p>Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified.</p> <p>production in assisted housing remain in place, and the sex offender ban is extended to require owners of assisted housing to terminate current occupants who are subject to lifetime registration requirements), and requires credible and objective evidence. Denials are only permitted for misdemeanors if they are based on a pattern of activity or certain specified offenses. (Section 13, amending sections 576 and 578 of QHWRA.)</p>	<p>Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.</p>
Demonstration to promote employment of persons with disabilities	<p>No provision.</p>	<p>Authorizes HUD to enter into agreements with the Social Security Administration and the Department of Health and Human Services to enable states to implement demonstration programs to promote employment of persons “with significant disabilities” without loss of housing vouchers or income or medical assistance. (Section 14.)</p>	<p>No provision.</p>
Utility data	<p>No provision.</p>	<p>Requires HUD to regularly publish data regarding utility consumption and costs that can be collected cost-effectively and that HUD determines will be useful for setting voucher utility allowances, and to provide the data in a manner that avoids unnecessary administrative burdens for agencies and protects families from high rent and utility cost burdens relative to income. (Section 15, inserting new Section 8(o)(23) of the Act.)</p>	<p>Section 109 has the same data requirements as December 2010 SEVRA draft, and also includes two modifications concerning utility allowances in the voucher program as noted in the rent policy section above.</p>
Access to HUD programs for people with limited English proficiency	<p>In 2001, Pres. Clinton signed Executive Order 13166, requiring grantees administering federally-funded programs to take reasonable steps to ensure meaningful program access by</p>	<p>Directs HUD to convene a task force to identify documents that need to be translated to improve access to HUD services and produce and make available translations within six months after documents are</p>	<p>Same as December 2010 SEVRA draft., except does not authorize appropriations and does not require HUD to conduct a best practices study or report on compliance (Section 501)</p>

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Access to HUD programs for people with limited English Proficiency cont'd	Citations are to the U.S. Housing Act of 1937 and Title 24 of the Code of Federal Regulations unless otherwise specified. eligible persons with limited English proficiency, as part of compliance with Title VI of the Civil Rights Act. HUD issued guidance applying the EO to HUD programs in 2007. The guidance makes it the responsibility of each grantee to translate “vital documents,” without defining the term. (See 72 Federal Register, page 2732, January 22, 2007.) PHAs and particularly private owners have been concerned about the administrative burdens they claim the guidance imposes as well as the lack of clarity regarding their responsibilities.	Citations are to December 1, 2010 discussion draft of Section 8 Voucher Reform Act unless otherwise specified. identified by the task force. Requires HUD to develop and carry out a plan to establish a housing information resource center to provide translations of written materials, provide a toll-free 24 hour interpretation service, conduct a study of best-practices models, and undertake other activities to promote access for individuals with limited English proficiency. Directs HUD to submit a report to the Congressional authorizing committees regarding its compliance with the new requirements within 12 months of enactment. Authorizes \$5 million per year over five years to cover costs of requirements. (Section 16.)	Citations are to April 13, 2012 draft Substitute Affordable Housing and Self-Sufficiency Improvement Act unless otherwise specified.
Transfer of vouchers to other jurisdictions	No provision.	Allows a housing agency to transfer vouchers and funds to another agency, subject to standards established by HUD. (Section 17, adding new section 8(o)(23) to the U.S.H.A.)	No provision.
Public Housing Operating and Capital Fund flexibility	PHAs can transfer up to 20 percent of their capital funds to the operating fund (Section 9(g)(1)). PHA can use operating funds only for certain capital purposes, including payments on debt used to finance capital improvements and addressing emergencies such as damage from a disaster. (Section 9(e), PIH notice 2012-2) 2012 appropriations legislation permitted agencies to obligate excess operating reserves for capital improvements other than large modernization projects through September 30, 2012 (P.L. 112-55, PIH notice 2012-2). Small PHAs that are not troubled and operate their public housing in a safe, clean, healthy condition have complete flexibility to use operating and capital funds for purposes authorized under either funding stream. (Section 9(g)(2).	No provision.	Permits all non-troubled PHAs that are operating their public housing in a safe, clean, and healthy condition to use operating and capital funds for any purpose authorized for either funding stream. (Section 110, amending section 9(g) of the act).

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Study and guidance on legacy vouchers	No provision.	No provision.	Within 12 months of enactment, HUD must complete a study on legacy use of vouchers (that is, use of a voucher by a remaining household member after the person originally issued the voucher is no longer using the unit leased with the voucher as his or her primary residence) and issue guidance on legacy use. (Section 114)
Rental Assistance Demonstration and Contract Conversions			
Demonstration of public housing and mod rehab conversions.	Properties converted from public housing generally must be owned or controlled by a public or non-profit entity. In the event of foreclosure, bankruptcy, or transfer of assistance due to violations of program requirements, priority is given to transfer to a public entity, then to a private (for-profit or non-profit) entity. Properties can also be transferred to a for-profit entity to facilitate use of tax credits, if the public housing agency preserves its interest in the property in a manner approved by HUD. HUD must require long-term renewable use and affordability restrictions, and on expiration of the assistance contract HUD must offer and the owner must accept renewal. (2012 HUD appropriations act.)	No provision.	Authorizes conversion of public housing and mod rehab units to long-term project-based vouchers and project-based rental assistance contract without limit on number of units. (Section 201(a).)
Public ownership and affordability protections in public housing	No statutory provision. HUD draft implementation notice permits families in developments converted to project-based vouchers to move with the next available voucher after one year (under the existing project-based voucher requirements), and those in developments converted to project-based rental assistance to move after two years (subject to some further restrictions). HUD can exempt up to 10 percent of converted units from mobility rights (PIH-2012-18).	No provision.	Similar protections, except that in the event of foreclosure, bankruptcy, or transfer of assistance due to violations of program requirements, priority is given first to transfer to a public entity, then to a private non-profit, and then to a private for-profit. (Section 201 (c)(1).)

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Resident mobility rights	Conversions cannot be a basis for rescreeing or terminating tenants. (2012 HUD appropriations act.)	No provision.	Requires that residents of at least 90 percent of converted public housing and mod rehab units have the option to move with tenant based assistance within a reasonable time. (Section 201(b)(2)(C).)
Rescreening of tenants	No statutory provision. Draft notice requires PHAs to recognize legitimate tenant organizations. (PIH-2012-18)	No provision.	Same as 2012 appropriations act. (Section 201(c)(2).)
Resident organizations	HUD may waive any provisions of the project-based voucher statute or appropriations acts governing public housing or section 8, except for provisions related to fair housing, non-discrimination, labor standards, and the environment, if necessary to make conversions effective. (2012 HUD appropriations act.)	No provision.	HUD must ensure that residents have the right to participate in a legitimate tenant organization if one exists or is formed, and owners must recognize such organizations. (Section 201(c)(3).)
Demonstration flexibility	Subsidy levels for converted public housing developments cannot be above the units' pre-conversion public housing funding, adjusted for inflation. (2012 HUD appropriations act.)	No provision.	Similar to 2012 appropriations act. (Section 201(d).)
Subsidy levels	HUD must assess the demonstration and publish findings regarding the impact of conversions on preservation and improvement of public housing, private sector leveraging, and outcomes for tenants. (2012 HUD appropriations act.)	No provision.	Subsidies would be limited only by project-based voucher and project-based rental assistance statutes and regulations (which could allow funding above pre-conversion public housing levels.
Evaluation	For 2012 and 2013, authorizes conversion of an uncapped number of units assisted by Rent Supplement and Rental Assistance Program (RAP) contracts to project-based vouchers in cases where termination of assistance would otherwise result in issuance of tenant-based tenant protection vouchers. Units with 1980s-era Section 8 Moderate Rehabilitation contracts also can convert under this provision or under	No provision.	Directs HUD to conduct evaluation and cover some specific areas not required by 2012 appropriations act, such as the impact of conversion on continued receipt of assistance by residents and access of families to diverse communities of their choice. (Section 201(e).)

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Evaluation cont'd	the capped demonstration. (2012 HUD appropriations act.) HUD's March 8, 2012, notice implemented this conversion program on an interim basis while also soliciting comments on the terms of implementation. (PIH-2012-18).		
"Orphan program" contract conversions	No added appropriations.	No provision.	Authorizes conversion of Rent Supplement and RAP developments to project-based rental assistance contracts, and conversion of any non-public housing development (including Rent Supp., RAP and Mod. Rehab. units) that would otherwise be eligible for tenant-protections vouchers to project-based vouchers. (Section 202) Expands conversion eligibility to Section 8 Single Room Occupancy Mod. Rehab. contracts. (Section 201(a).)
Funding		No provision.	Authorizes a total of \$150 million for public housing and mod rehab conversions and \$50 million for rent supplement and RAP conversions over the five years from 2013 through 2017. (Sections 201(f) and 202.)