AGENDA

City of San Marcos Housing Authority
Board of Directors
Will Hold a Special Meeting at 6:00 p.m.
Thursday, October 30, 2025
physically at
San Marcos Housing Authority
1201 Thorpe Lane
San Marcos, TX 78666

I. Call to Order

II. Roll Call

III. Acknowledge Posting of Meeting Notice

IV. Public Comments: (Note: There will be a 3 Minute Time Limitation)

V. Agenda

1. **Consideration and approval of Minutes for September 23, 2025**

2. **New Business**
   - A. **RESOLUTION 2A 10-28-2025 FOR AUTHORIZING ADOPTION OF HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN-APPENDIX D: (U) TRANSITIONING EHV FAMILIES INTO THE HCV PROGRAM.**
   - B. **PRESENTATION FROM STAFF REGARDING SMHA WAITING LIST AND EVICTION PROCESS.**
   - C. **INFORMATIONAL–SMHA HAS A CONTRACT WITH A NEW PEST CONTROL COMPANY.**
   - D. **INFORMATIONAL-SPRINGTOWN VILLA PROCESS OF GETTING BIDS ON CAMERAS.**
   - E. **DISCUSS HOLIDAY SCHEDULE FOR DECEMBER,2025 TO DECIDE IF A BOARD MEETING WILL BE HELD.**
   - F. **INFORMATIONAL ONLY -FROM PHADA ADVOCATE. PHADA MOST COMMONLY STANDS FOR PUBLIC HOUSING AUTHORITIES DIRECTORS ASSOCIATION. THEY ADVOCATE FOR PH DIRECTORS BEFORE CONGRESS AND HUD.**

3. **Old Business**
   - A. **CONTINUED DISCUSSION REGARDING CONSTRUCTION HOUSE BEING BUILT AT 318 SALTILLO.**
   - B. **UPDATE TRAINING-ON DEMAND COMMISSIONER TOPICS FOR COMMISSIONERS WITH NELROD. EVERYONE SHOULD HAVE YOUR SIGN IN AND PASSWORD.**
   - C. **DISCUSS NELROD CONSORTIUM CONFERENCE IN LAS VEGAS IN FEBRUARY25-27,2026. NEED TO HAVE A LIST OF BOARDLMEMBERS THAT WILL BE GOING AT THE NOVEMBER,2025 BOARD MEETING.**

4. **Financial/Occupancy Reports for approval – (SEPTEMBER 2025 BEING DELAYED DUE TO END OF FY.)**

5. **Director's Report**
   - A. **POLICIES (ALL) WORKING PROGRESS**

6. **Commissioner's Report**

7. **EXECUTIVE SESSION: The Board may go into Executive Session (close its meeting to the public) Pursuant to: a. 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer; b. 551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real property; c. 551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee. d. 551.087, Texas Gov't Code, discuss certain economic development negotiations.**

8. OPEN SESSION: If there is an Executive Session, the Board will return to Open Session for discussion, consideration and possible action of matters discussed in Executive Session.

9. Adjournment

Posted: 10/24/2025 10:45AM

*The Board reserves the right to discuss and consider items out of order on the agenda on an as-needed basis.

1. ***Consideration and approval of Minutes for September 23, 2025***

Minutes of the special meeting for the Board of Directors of the City of San Marcos Housing Authority was held on SEPTEMBER 23, 2025, by Zoom-Video/Web Conferencing, Meeting ID: 852 0866 9156 Password: 412539 and Physically at San Marcos Housing Authority 1201 Thorpe Lane, San Marcos, TX 78666

I. **The meeting was called to order: by JESSICA URBIZU**

II. **Roll call was made: by Lana Wagner-Secretary/Executive Director**

Present : Jessica Urbizu-Chair Person
Ramika Adams – Vice-Chair Person
Tamera Thompson-Commissioner
Ashley Schwandt-Resident Commissioner
Gresia Salinas-Commissioner

Others Present: Lana Wagner – Secretary/Executive Director
Nancy Morales-Operations Supervisor

Absent:

III. **Public Comments:**

A. **Approval of Minutes:**
THE BOARD APPROVED THE MINUTES FOR AUGUST 26, 2025, MEETING.
TAMERA THOMPSON MOVE TO APPROVE. ASHLEY SCHWANDT SECOND THE MOTION.
ALL VOTED IN FAVOR

2. **New Business:**

A. **THE BOARD APPROVED THE DISPOSAL OF BROKEN APPLIANCES.**
ASHLEY SCHWANDT MOVE TO APPROVE. TAMERA THOMPSON SECOND THE MOTION.
ALL VOTED IN FAVOR.

B. **THE BOARD RECEIVED AND APPROVED THE TENANT ACCOUNTS RECEIVABLE WRITE OFF'S FY25 FOR PH(1) & &STV (9).**
TAMERA THOMPSON MOVE TO APPROVE. TAMERA JESSICA URBIZU SECOND THE MOTION.
ALL VOTED IN FAVOR

C. **THE BOARD RECEIVED AND APPROVED TO VOID ALL OUTSTANDING CHECKS OVER 90 DAYS FOR FY25 FOR ALL ACCOUNTS LISTED BELOW**
1-PH, 3-RESIDENT SVC, 7-HCV, 9-STV, 10-SMRI, 17-SMRC WILLOW SPRINGS, 25 SMHA FINANCE PFC, 26 SMHA OPERATING PFC.
TAMERA THOMPSON MOVE TO APPROVE. RAMIKA ADAMS SECOND THE MOTION.

D. **DISCUSSED REGARDING HOUSING OPPORTUNITIES, UPDATE ON CONSTRUCTION WITH REMODELS, AND FOR FUTURE PLANS.**

E. **CONTINUED DISCUSSION ON HUD RELEASE FOR GUIDANCE ON TRANSITIONING EHV FAMILIES.**
THE UPDATED POLICY FOR EHV WILL BE READY AT BOARD MEETING FOR OCTOBER,2025.

F. **THE BOARD REVIEWED THE APPLICATION FOR PUBLIC HOUSING QUALITY OF LIFE SURVEY FOR TENANTS.**

G. **THE BOARD RECEIVED INFORMATION FOR THE ONLINE DEMAND TRAINING FOR COMMISSIONERS. WITH THE SIGN-UP SHEET.**

H. **THE BOARD RECEIVED AND DISCUSSED THE LETTERS THAT WHERE IN THE COMMENT BOX FOR CONCERNS, SUGGESSTIONS, REQUEST, ETC.**

I. **SECTION 551.074 PERSONNEL MATTERS AUTHORIZING DELIBERATION ABOUT OFFICERS AND EMPLOYEES OF THE GOVERNMENTAL BODY.**
EXECUTIVE SESSION: START TIME: 6:49PM
1. **TO DELIBERATE REGARDING PERSONNEL EVALUATION**
EXECUTIVE SESSION ADJOURNS: END TIME: 7:52PM
REGULAR MEETING RECONVENES. TIME: 7:58PM

3. **Old Business:**
4. **Financial Reports: APPROVAL WAS MADE FOR JULY,2025 FINANCIALS.**
ASHLEY SCHWANDT MADE A MOTION TO APPROVE. TAMERA THOMPSON SECOND THE MOTION.
ALL VOTED IN FAVOR
A. **PUBLIC HOUISNG-LOW RENT**
B. **SECTION 8 HCV**
C. **SECION 8 NEW CONSTRUCTION**

5. **Directors Report:**
A-D INFORMATIONAL ONLY

6. **Commissioner's Report:**

Meeting adjourned at 8:30PM

Attest:

____
Lana Wagner - Secretary/Executive Director

2. New Business

2

A. *RESOLUTION 2A 10-28-2025 FOR AUTHORIZING ADOPTION OF HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN-APPENDIX D: (U) TRANSITIONING EHV FAMILIES INTO THE HCV PROGRAM.*

San Marcos Housing Authority
San Marcos, Texas

HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN

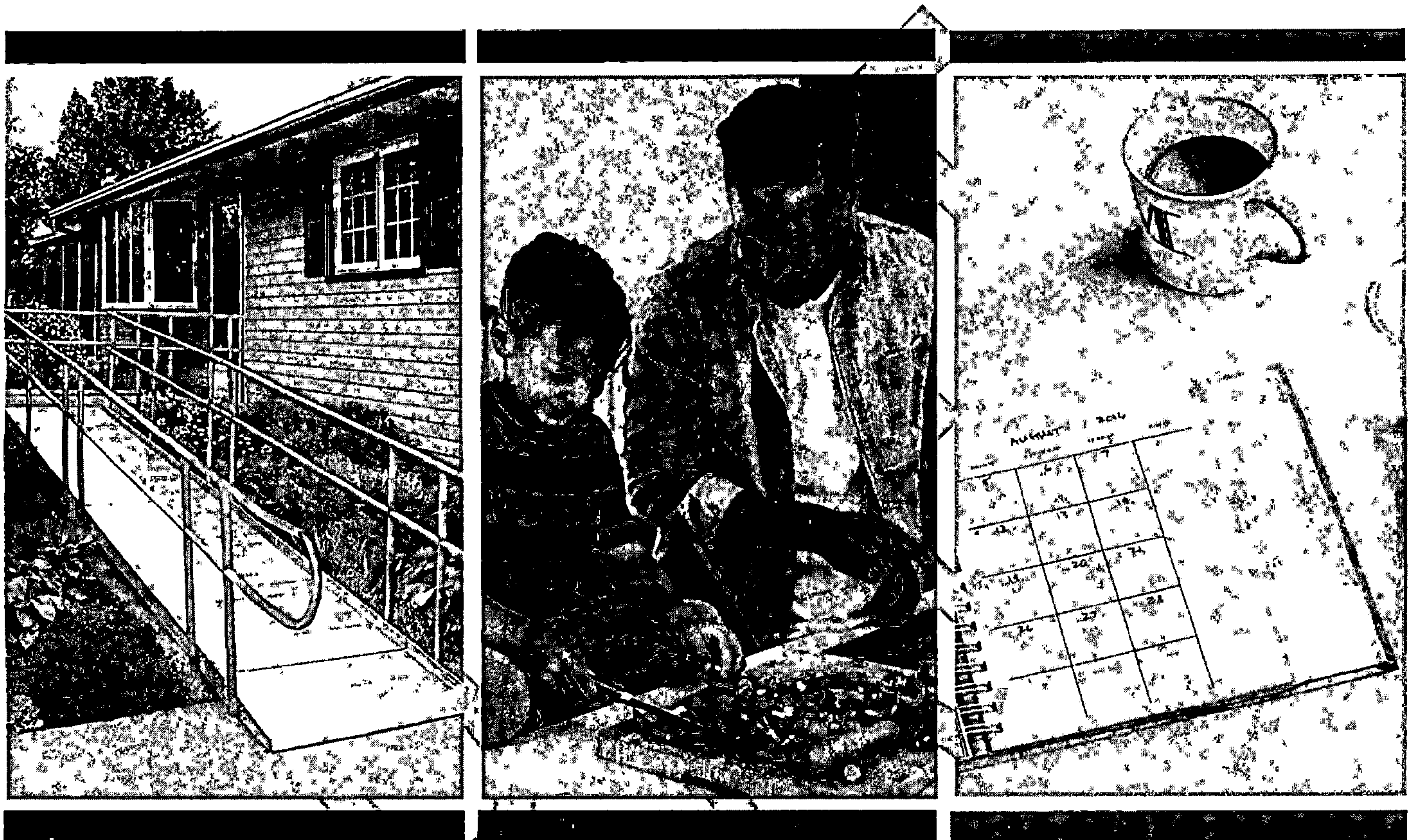
ADOPTED BY PHA BOARD OF COMMISSIONERS

RESOLUTION NO.: 2A 10-28-2025

DATE OF ADOPTION: 10-28-2025

EFFECTIVE DATE OF IMPLEMENTATION: 11-1-2025

HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN



San Marcos Housing Authority

October 20, 2025

The Nelrod Company®

T. PIH Notice 2025-07, Emergency Housing Vouchers Leasing

PIH Notice 2025-07 was published March 26, 2025. This Notice notifies the PHA that it must stop issuing EHVs effective 14 calendar days after the publication of the notice.

1. EHV Leasing
   a. The PHA, if it has remaining authority to lease EHVs, is prohibited from issuing any EHVs to new families, effective 14 calendar days after the publication PIH Notice 2025-07.
   b. If the PHA has remaining leasing authority and issued a family an EHV prior to the effective date of the prohibition, the family may continue to search and lease up.
2. Portability
   a. The prohibition on issuing new EHVs does not apply to current EHV participants who choose to move with continued assistance, both within the PHA's jurisdiction and outside the jurisdiction through portability.
   b. Absorption of an incoming family through portability is considered a new issuance under PIH Notice 2025-07 and therefore, the PHA cannot absorb an incoming family, nor can the PHA absorb the port into its HCV program.
   c. Instead, in all cases, the receiving PHA must bill the initial PHA for the family's EHV assistance.
3. Administrative Fees
   a. The PHA should manage its EHV program within its remaining budget authority.
   b. The PHA should continue to request HUD assistance (FMC Financial Analysts) in resolving EHV program funding shortfalls related to per-unit cost (PUC) increases or prior over-leasing.
   c. HUD reminds the PHA that other HCV program funds may not be used to address EHV shortfalls.
4. Issuance Fees

   The PHA will no longer receive issuance fees, effective 14 calendar days after the publication of this notice.

U. Transitioning EHV Families into the HCV Program

The PHA has elected to transition EHV families into the HCV program so that EHV families do not experience a loss or gap in housing assistance and can remain in their assisted units.

1. Funding

   In order for the PHA to transition EHV families into its HCV program, the PHA must have HCV unit-months available to use for EHV families.

a. In transitioning an EHV family into the HCV program, the PHA will make HAP payment with funding under its consolidated HCV ACC.

b. EHV funding cannot be used for regular HCV HAP costs, even for a former EHV family once the family has transitioned to the regular HCV program.

2. Communication with EHV Families

The PHA will explain to the EHV family that it is the family's discretion to apply and be transitioned to the HCV program.

a. The PHA will provide the EHV family information about:

1) The PHA's process for applying to the HCV waiting list under an EHV preference,

2) The status of EHV funding, and

3) Why the PHA is adopting an EHV preference.

b. The PHA will ensure effective communication of notices to all EHV families about transitioning to the HCV waiting list and the new preference and the opportunity to apply for the HCV program under the preference.

c. The PHA will explain to the EHV family the potential consequences of remaining on EHV assistance, including the risk of termination of assistance due to lack of permanent EHV funding.

3. Waiting List

To transition an EHV family into the PHA's regular HCV program, the family must be selected through the PHA's HCV waiting list.

a. Open Waiting List

If the PHA waiting list is currently open, the PHA will take the following steps:

1) Determine if establishing a waiting list preference constitutes a significant amendment to its PHA Plan (24 CFR 903.21).

2) If the PHA determines that establishing a waiting list preference constitutes a significant amendment, complete the process for updating the PHA Plan.

3) PHAs must provide a public comment period, which is a statutory requirement that cannot be waived by HUD.

4) Complete the process for updating the administrative plan (24 CFR 982.54). Per 24 CFR 982.54(a), revisions to the administrative plan must be formally adopted by the PHA's Board of Commissioners or other authorized PHA officials.

b. Closed Waiting List

1) If the PHA's waiting list is currently closed, the PHA who opts to transition an EHV family to the HCV program will open their waiting list only for families that qualify for an EHV preference.

2) The PHA has included this preference in its Administrative Plan.

4. Preferences

[redacted]

a. To qualify for this preference, only current PHA EHV participants are eligible for the preference.

b. The PHA's EHV preference and selection methods will be in compliance with Fair Housing and civil rights requirements.

[redacted]

d. EHV Waiver Requests

1) Preferences

As an alternative to only accepting individual applications from EHV families, HUD has provided a streamlined submission and review process for a regulatory waiver that, if approved, would permit the PHA to place all EHV families on its HCV waiting list with the appropriate preference.

a) To ensure streamlined processing, the PHA must submit its waiver request in DocuSign.

b) The PHA must provide certain information within the waiver request document, including:

(1) PHA name, code, and business address

(2) Name and email for the PHA point of contact

(3) A PHA-specific justification for the waiver that shows good cause.

c) The good cause justification must include:

(1) Why the PHA needs the waiver, and

(2) The impact on PHA operations and applicants if the waiver is not provided.

d) Following submission, PIH will reply via email confirming that the request has been received.

e) Once a final determination for approval has been made by HUD, the PHA will receive the signed response to the waiver request via email.

f) The PHA may not implement the waiver requested until written approval from HUD has been obtained.

2) Criminal Background Rescreening

   Families that were properly admitted to the EHV program by the PHA in full compliance with the EHV requirements and are currently receiving EHV assistance are participants under the tenant-based voucher program.

   a) Therefore, applicant screening requirements do not apply when the PHA is transitioning a family from EHV to HCV assistance.

   b) All HCV requirements with respect to termination of assistance for participants apply to EHV families when the EHV family is transitioned to HCV assistance.

3) Income Eligibility and Targeting

   Families that were properly admitted to the EHV program by the PHA in full compliance with the EHV requirements and are currently receiving EHV assistance are participants under the tenant-based voucher program.

   a) Therefore, the income-eligibility and targeting requirements, which apply to applicants, do not apply in cases where the PHA is transitioning a family from EHV to HCV assistance.

   b) All HCV requirements with respect to participant family income and composition (particularly, annual and interim reexaminations) apply to EHV families when the EHV family is transitioned to HCV assistance.

4) Social Security Number and Citizenship Verification

   HUD has waived the requirement to obtain and verify documentation of SSN and eligible noncitizen status (if applicable) before admitting families to EHV.

   a) HUD established an alternative requirement that individuals must provide the required documentation within 180 days of admission to remain eligible for continued assistance, pending verification, unless the PHA provided an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

   b) The PHA may not transition a family from the EHV program to the HCV program until the PHA verifies documentation of SSN and eligible noncitizen status.

   c) The EHV alternative requirement does not apply to HCV program.

5) Payment Standards and Rent Reasonableness

   To increase housing choice for EHV families, the PHA had a discretion to set separate, higher payment standards for EHV (the PHA was permitted to establish EHV payment standards up to 120% of FMR without HUD approval).

   a) If the PHA set higher payment standards for EHV families, the PHA may consider two (2) options to minimize harm to families:

(1) If the EHV payment standards are above 110% and up to 120% of applicable FMR, the PHA could align both programs' payment standards by using the simplified process, or

(2) The PHA could hold families harmless and choose not to reduce the payment standard amount used to calculate the subsidy for a family as long as the family continues to reside in the same unit.

b) The requirement limiting the family share to 40% or less of monthly adjusted income at initial occupancy does not apply if the family is leasing in place.

6) HAP Contract and Tenancy Addendum

As tenant-based assistance, EHV will use the same HAP contract (form HUD-52641) and tenancy addendum (form HUD-52641-A) as the regular HCV program.

a) When transitioning an EHV family to HCV, the PHA is not required to execute a new HAP contract or tenancy addendum for the family if the family remains in the same unit.

b) If the family is not leasing under the HCV program in place, the PHA is required to execute a new HAP contract and tenancy addendum.

7) PIC Reporting

When admitting an EHV family from the HCV waiting list, the PHA will code the family "EHCV" on line 2n of the form HUD-50058.

a) HUD will use this code to track the number of EHV families admitted to HCV but also to award the $1,000 fee per EHV family that is successfully transitioned to the regular HCV program.

b) The PHA will not receive the fee for transitioning EHV families if the PHA fails to code the family as "EHCV" on line 2n.

c) When a family transitions to HCV program and remains in their unit, the PHA will use action code 3 (Interim reexamination)

d) The PHA will not use action code 6 ("End Participation") but instead use action code 3 ("Interim Reexamination").

e) If the family is not leasing in place, the PHA will use action code 7 ("Other change in unit").

e. Services Fees

The PHA has 60 calendar days from June 20, 2025, to use services fees on eligible expenses, and an additional 60 calendar days from June 20, 2025, to complete services fees VMS reporting.

1) A description of the eligible uses of services fees can be found in PIH Notice 2023-23.

2) The PHA will be required to repay any disallowed costs if services fees are used for ineligible expenses.

3) HUD will describe the process for recapture and reallocation of services fees in a separate, future notice.

B. PRESENTATION FROM STAFF REGARDING SMHA WAITING LIST AND EVICTION PROCESS

- PH WAITING LIST

CHAPTER 4. Record of Applications and Waiting List

The following are policies for documenting actions taken by PHA employees in processing applications for dwelling units.

A. Record of Applications/Waiting List

1. Each applicant's name will be placed on the PHA's Record of Applicant/Site-Based Waiting List, based on the date and time the application is received and any applicable preferences.
   a) The PHA will assure that at least forty percent (40%) of annual new admissions shall be an extremely low-income family. A very low-income family whose annual income does not exceed the higher of:
      (1) The poverty guidelines established by the Department of Health and Human Services (DHHS) applicable to the family of size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or
      (2) 30% of the median income for the area, as determined by HUD, with adjustment for smaller and larger family, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.
2. The Record of Applications/Waiting List will include, at a minimum, the following:
   a) The applicant's name;
   b) Date and time of application;
   c) Race/ethnicity of the head of household;
   d) Unit size required based on PHA occupancy standards;
   e) Determination of eligibility or ineligibility;
   f) The applicant's preferences;
   g) The date and time the applicant was offered a unit;
   h) The unit number and location;
   i) The date the applicant was assigned a unit, or the date the applicant rejected the assignment; and
   j) Any circumstances pertaining to assignment of a unit, such as removing the applicant's name because the applicant requested it be done;
3. Applicants on the waiting list shall contact the PHA every six (6) months to confirm interest, qualifications, and application renewal.
4. Consistent with the objectives of Title IV of the Civil Rights Act of 1964, other statutory requirements and HUD regulations and policies the PHA will make offers from the Record of Applications only based on the date and time of application local preferences, and bedroom size needed.

B. Organization of the Waiting Lists

1. The Record of Applications (Waiting List) will be organized in such a manner that the PHA can easily identify the date and time the application was submitted, the applicant's preferences for admission (based on the local preferences), the size and type of unit needed, and other decision-making factors.
2. The PHA will not solicit a statement from any applicant regarding his or her desire to live in a particular development or group of developments, except that the PHA may allow applicant to designate the development(s) in which they wish to reside.
3. Waiting lists are site-based in scope. Changes in the scope of the waiting list will be duly adopted by the Board of Commissioners and incorporated into this document by reference following a period of thirty (30) days posting.

C. Updating the Waiting Lists

1. The PHA may update (purge) its waiting list at least every twelve (12) months in order to remove the names of applicants who are no longer interested in being admitted, no longer qualify for admission or who cannot be located.
2. The PHA will document the reason for removing any applicant's name from the waiting list(s).
3. The PHA requires applicants to report, in person or in writing any changes in family composition or circumstances, and any significant changes in income or assets that would affect the family's eligibility, the type of development, or the size and type of unit needed.
4. If an applicant does not respond to the PHA's efforts to contact them regarding continued interest, updates, additional information or offers of assistance, the applicant will be removed from the waiting list and their application withdrawn.
5. Application Rejection and Removal from the Waiting List

   The PHA will remove an applicant's name from the waiting list under the following conditions:

   a) The applicant requests that their name be removed; or

   b) The applicant is advised in writing to inform the PHA of the applicant's continued interest by a particular time, and the applicant fails to do so; or

   c) The PHA makes reasonable efforts to contact the applicant to determine if there is continue interest, but the PHA is unsuccessful in locating the applicant; or

   d) The PHA makes reasonable efforts to contact the applicant to schedule interviews necessary to complete the application process or to obtain information necessary to process the application, and the applicant fails to respond; or

   e) The applicant fails to keep a scheduled interview or provide necessary information for application processing or waiting list maintenance. The PHA will notify the applicant that he/she has ten (10) calendar days to reschedule or provide requested information. If the applicant fails to respond, their application will be withdrawn. However, the PHA will consider mitigating circumstances such as health problems or lack of transportation in determining whether the application should be withdrawn.

   f) The PHA notifies the applicant of its intention to remove the applicant's name from the waiting list(s), because the applicant no longer qualifies for Public Housing;

g) The applicant fails to complete any required pre-occupancy classes/orientation;

h) The applicant fails to pay an existing utility balance resulting in denial of service by the utility supplier;

i) If after initial determination of eligibility, a member of the applicant family has:

   (1) Become required by law to register for lifetime as a sex offender.

   (2) Become involved in drug or violent criminal activity as determined by a conviction.

   (3) Perpetrated domestic violence including dating violence, sexual assault, or stalking. Family members who were involved in such acts as victims may be considered for admission only if the perpetrator is no long in the household.

   (4) The applicant fails to satisfy Tenant Selection Criteria as outlined in this policy.

The PHA will notify the applicant of the rejection, in writing, and advise him/her of their right to an informal meeting.

6. The PHA will take the following actions when updating the waiting list:

   a) Mail a notice to each applicant on the waiting list advising them of the need to update their application. The notice will include instructions for responding to the letter and an update form to be completed and returned to the PHA.

   b) Applicants will have seven (7) calendar days from the postmark date of the update notice to respond by mail or in person.

   c) If applicants fail to respond to either the update letter or if the letter is returned postmarked by the post office as undeliverable, the PHA will withdraw their application.

   d) If the reason an applicant does not respond to the PHA's attempt to contact him/her is related to a disability, the PHA will, as a reasonable accommodation, reinstate the applicant in their former position on the waiting list.

D. Closing the Waiting List

1. If the PHA has enough applicants to fill expected vacancies over a period of one (1) year, the PHA may close the waiting list.
2. The PHA will close the waiting list by publicly announcing any decision to suspend or to restrict the taking of applications. It will not reopen the list until it publicly announces when it will resume the taking of applications.
3. If the PHA has too many applicants it may close all waiting lists or close portions of the waiting list by type of development, or size and type of dwelling unit as appropriate.
4. The PHA will not close a waiting list if closing the list would have a discriminatory effect that would be inconsistent with applicable civil rights laws.
5. Prior to closing a waiting list, the PHA will assess the waiting list to determine that it has sufficient applicants to fill expected vacancies for a minimum of one (1) year.

E. Opening the Waiting List

The opening of the Waiting List shall be announced through public notices as follows:

1. The notice shall be placed in a newspaper of general circulation, in a minority publication and in plain view in the application office.

2. Postings may be made at locations throughout the community and may be sent to social service agencies.
3. The notice shall contain where and when interested parties can apply.
4. The notice shall state limitations on who may apply (i.e. bedroom size, etc.).
5. The PHA may open all waiting lists or only portions of waiting lists by type of development or size and type of dwelling unit as appropriate.
6. The notice shall contain the Equal Opportunity Housing logo and non-discrimination statement in the advertising message.
7. New applicants with preferences would not qualify before other applicants with identical preferences already on the waiting list.

F. Applicant Files

The PHA will establish and maintain an individual file containing information on each applicant household. Such files will be retained for at least three (3) years after the audited Public Housing Assessment System (PHAS) submission for that year.

Material secured under a criminal background check or drug treatment center check will not be retained in the applicant file but will be segregated in a secure location under lock and key. Following a decision on acceptability of an applicant, the criminal background check and drug treatment program information will be removed and destroyed (shredded).

This procedure is subject to delay if the applicant requests an informal review with respect to denial of their application based on information received from either source. The PHA may retain the information until the statute of limitations passes for filing a civil lawsuit if the PHA believes there will be litigation.

Applications and material submitted by the family will be retained for a minimum of five (5) years if there is a U.S. Citizenship and Immigration Services (CIS) [formerly the Immigration and Naturalization Service (INS) appeal and/or an informal hearing with the PHA concerning the citizen/non-citizen documentation.

Applicant files that have been the subject of an appeal to the U.S. Citizenship and Immigration Services (CIS) or have been used in an informal hearing with the PHA concerning the citizen/non-citizen documentation will contain the following:

a) The original application for housing assistance;
b) Form HUD 92006: Supplemental Information to Application for Federally Assisted Housing;
c) Photocopies of any original documents (front and back), including Social Security cards, birth certificates, photo identifications and original CIS documents. (Under no circumstances will photocopies of Federal checks be made or retained in applicant/resident files);
d) All signed verification consent forms including Form HUD-9886 executed by all household members age 18 and older;
e) The CIS verification results (both primary and, if applicable, secondary);

f) The request for a CIS appeal;
g) The final CIS determination;
h) The request for a PHA informal hearing; and
i) The final PHA informal hearing decision.

- PH TERMINATIONS

N. Notices

1. The PHA shall notify the Tenant of the specific grounds for any proposed adverse action by the PHA.
2. The PHA shall notify the Tenant of the opportunity for a hearing under the PHA's Grievance Procedures for a grievance concerning a proposed adverse action except for:
   a) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA;
   b) Any violent or drug-related criminal activity on or off such premises; or
   c) Any criminal activity that resulted in felony conviction of a household member.
3. The notice of proposed adverse action shall inform the Tenant of the right to request such hearing. In the case of a Lease termination/demand for possession, a "notice of Lease termination/demand for possession" shall constitute adequate notice of proposed adverse action.
4. In the case of a proposed adverse action other than a Lease termination/demand for possession, the PHA shall not take a proposed action until the time for the Tenant to request a grievance hearing has expired, and (if a hearing was timely requested by the Tenant) the grievance process has been completed.

O. Notice Procedures

1. Tenant Responsibility: Any notice to PHA must be in writing, delivered to the Management Office or Project Office, or sent by first-class mail, properly addressed.
2. PHA Responsibility: Notice to Tenant must be in writing, delivered to the Tenant or to any adult household member, or sent by first-class mail addressed to Tenant.
3. Unopened, cancelled, first-class mail returned by the Post Office shall be sufficient evidence that notice was given.
4. If Tenant is visually impaired, all notices will be in accessible format.

P. Termination of the Lease

1. This lease may be terminated for the following reasons:
   a) For serious or repeated violations of material terms of the Lease, or for other good cause. Such serious or repeated violation of terms shall include, but are not limited to:
      1) The failure to pay rent or other payments when due.
      2) Repeated late payment, which shall be defined as failure to pay the amount of rent or other charges due by the fifth (5th) of the month. Four such late payments within a twelve (12) month period shall constitute a repeated late payment.
      3) Failure to pay utility bills when Tenant is responsible for paying such bills directly to the supplier for such utilities or failure to pay excess consumption surcharges when utilities are provided by the PHA.
      4) Misrepresentation of family income, assets, deductions or family composition.

5) Failure to supply, in a timely fashion, any certification, release, information, or documentation on family income or composition needed to process annual reexaminations or interim determinations.

6) Serious or repeated damage to the dwelling unit, creation of physical hazards in the unit, common areas, grounds or parking areas of any development site.

7) Illegal weapons or illegal drugs seized in a PHA unit by a law enforcement officer.

8) Any fire on PHA property caused by carelessness or unattended cooking.

9) Fleeing to avoid prosecution; or custody or confinement after conviction for a crime, or attempt to commit a crime that is a felony under the laws of the place from which the individual flees; or violating a condition of probation or parole imposed under State or Federal Law.

b) Other Good Causes

1) Criminal activity or alcohol abuse;

2) Discovery after admission of facts that made the tenant or any household member ineligible;

3) Discovery of material false statements or fraud by the tenant in connection with the application for assistance or reexamination of income and household members;

4) Failure of a family member to comply with the Community Service and Self-Sufficiency Requirement; and

5) Failure to accept the PHA's offer of a lease revision to an existing lease when the revised lease has been properly adopted by the PHA and a written notice of the offer of the revisions was given at least 60 calendar days before the lease revision is scheduled to take effect, and with the offer specifying a reasonable time limit within that period for acceptance by the family.

c. Being Over the Income Limits

2. PHA shall give written notice of the proposed termination of the Lease of:

a) Fourteen (14) days in the case of failure to pay rent.

b) A reasonable time, but not to exceed thirty (30) calendar days, considering the seriousness of the situation, when the health and safety of other tenants or PHA staff is threatened.

c) Three (3) days in the case of creation or maintenance of a threat to the health, safety and security of other residents, guests, PHA employees, or persons residing in the immediate vicinity of the premises.

d) Three (3) days in any member of the household has engaged in any drug-related criminal activity or violent criminal activity.

e) Fifteen (15) calendar days if any member of the household has been convicted of a felony.

f) Thirty (30) calendar days in any other case.

3. The notice of termination:

   a) The notice of termination to the Tenant shall state specific reasons for the termination, shall inform the Tenant of his/her right to make such reply as he/she may wish, and Tenant's right to examine PHA documents directly relevant to the termination and/or eviction.

   b) When PHA is required to offer Tenant the opportunity for a grievance hearing, the notice shall also inform Tenant of the right to request such hearing in accordance with PHA's Grievance Procedures.

   c) Any notice to vacate (or quit) that is required by State or local law may be combined with, or run concurrently with the notice of Lease termination under this section. The Notice to Vacate must be in writing and specify that if Tenant fails to quit the premises within the applicable statutory period, appropriate action will be brought against Tenant, and Tenant may be required to pay the court costs and attorney's fees.

   d) When PHA is required to offer Tenant the opportunity for a grievance hearing concerning the Lease termination, the tenancy shall not terminate until the period to request a hearing has expired or the grievance process has been completed.

   e) When PHA is not required to offer Tenant the opportunity for a hearing under the grievance procedures and PHA has decided to exclude such grievance from PHA's Grievance Procedures, the notice of termination shall (a) state that Tenant is not entitled to a grievance hearing on the termination; (b) specify the judicial eviction procedure to be used by PHA for eviction and state that HUD has determined that this eviction procedure provides the opportunity for a hearing in a court that contains the basic elements of due process as defined in HUD regulations; and (c) state whether the eviction is for criminal activity that threatens health and safety of other tenants and staff or for drug-related criminal activity.

   f) PHA may only evict Tenant from dwelling unit by bringing a court action or by bringing an administrative action where allowed by State law.

4. Tenant may terminate this Lease at any time by giving thirty (30) calendar days written notice properly addressed and delivered to the PHA.

5. When a PHA evicts a Tenant from a dwelling unit for criminal activity, PHA shall notify the local post office serving that dwelling unit that such individual or family is no longer residing in the dwelling unit so the post office will no longer deliver mail for such persons at that address.

6. PHA shall seek judgement for tenant to pay all court costs, expenses, and attorney fees incurred in enforcing this Lease or in recovering possession of the dwelling unit, unless the Tenant prevails in such legal action.

7. This Lease Agreement shall terminate upon abandonment of the premises by the Tenant.

8. Default Options: If the Tenant violates any term or obligation under this Lease, or has misrepresented any material fact to the PHA, then the PHA shall have the right, at its option, to pursue any of the following remedies:

   a) Civil suit for collection of any amount that may be owed to the PHA in the form of rent, utility surcharges, or for damage to its property;

   b) Evict the Tenant and all members of the household;

   c) Seek criminal prosecution, if appropriate;

- HCV WAITING LIST

CHAPTER 7: WAITING LIST AND TENANT SELECTION

When the PHA receives or acquires an allocation of new voucher funding, the PHA shall establish an application and selection process that will treat applicants fairly, consistently, and will provide an effective method for determining eligibility.

A. Waiting List Management

1. The PHA must use a single waiting list for admission to the HCV program.
2. Opening the Waiting List

   The PHA shall announce the opening of the waiting list through a public notice.

   a. The notice must comply with HUD fair housing requirements, containing the equal housing opportunity logo and non-discrimination statement in its message.

   b. The notice shall be placed in a newspaper of general circulation, in a minority publication/media, and in plain view in the application office.

   c. The notice may be posted at locations throughout the community, such as faith-based institutions, public service/government offices, social service agencies, supermarkets, homeless shelters, senior/youth/community centers, the PHA's webpage, and other social media outlets.

   d. The notice will provide a brief description of the HCV program.

   e. The notice shall contain where and when interested families can apply.

   f. The notice shall state any limitations on who may apply (i.e., working families, extremely low-income, etc.).

3. Closing the Waiting List

   The PHA shall announce the closing of the waiting list through a public notice.

   a. The PHA shall announce the closing of the waiting list using the same methods as used to announce the opening of the waiting list.

   b. The closing of the waiting list may be announced at the same time as when the PHA announced the opening of the waiting list.

   c. The PHA may also announce the closing of the waiting list when the PHA determines that the existing waiting list contains an adequate pool of applicants who will most likely receive assistance within a 12 to 18-month period.

   d. The PHA may close a portion of the waiting list instead of closing the entire waiting list and may only accept applications from families qualifying for a specific local preference.

4. Organization of the Waiting List

   The PHA will maintain sufficient information that permits the PHA to select applicants from the waiting list in accordance with the PHA's admission policies.

a. At a minimum, the waiting list must contain the following information for each applicant:

1) Date and time of application;

2) Name of applicant;

3) Family unit size (number of bedrooms for which the family qualifies under the PHA's occupancy standards);

4) Race or ethnic designation of the head of household; and

5) Qualifications for local preferences.

b. The PHA may include the following additional information:

1) Names of adult members and ages of all members

2) Sex and relationship of all members

3) Street address and phone numbers

4) Mailing address (if different from street address)

5) Amount(s) and source(s) of income received by household members

6) Citizenship/eligible immigration status

5. Waiting List for Different Programs

When the PHA maintains a separate waiting list of its programs, the following regulations apply:

a. Merger and Cross Listing

1) The PHA will not merge the waiting list for tenant-based assistance with the PHA waiting list for admission to another assisted housing program, including a federal or local program.

2) In admission from the merged waiting list, admission for each federal program is subject to federal regulations and requirements for the particular program.

b. Non-merged Waiting List

If the PHA decides not to merge the waiting list for tenant-based assistance with the waiting list for the PHA's public housing program, PBV program or Moderate Rehab program:

1) If the PHA's waiting list for tenant-based assistance is open when an applicant is placed on the waiting list for the PHA's public housing program, project-based voucher program or moderate rehabilitation program, the PHA must offer to place the applicant on its waiting list for tenant-based assistance.

2) If the PHA's waiting list for its public housing program, project-based voucher program or moderate rehabilitation program is open when an applicant is placed on the waiting list for its tenant-based program, and if the other program includes

units suitable for the applicant, the PHA must offer to place the applicant on its waiting list for the other program.

c. Effect of Application for, Receipt, or Refusal

1) The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

a) Refuse to list the applicant on the PHA waiting list for tenant-based assistance;

b) Deny any admission preference for which the applicant is currently qualified;

c) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or

d) Remove the applicant from the waiting list.

2) For the purpose of this paragraph, "other housing assistance" means a housing subsidy other than assistance under the HCV program, such as subsidy assistance under a federal housing program (including public housing), a state housing program, or a local housing program.

6. Updating and Purging the Waiting List

The PHA will update and purge its waiting list to obtain current information on interested applicants and to minimize and remove applicants no longer interested in participating in the HCV program.

a. Updating the Waiting List

The PHA will update and purge its waiting list annually to ensure that it is current and accurate.

1) The update of the family's circumstances can be generated by the family or the PHA.

2) The PHA does not require applicants to report changes in their circumstances while on the waiting list.

b. Removal from the Waiting List

The PHA shall remove the applicant from the waiting list if:

1) If the applicant fails to respond to the interest update form within the allotted time period.

Exceptions: Reasonable accommodations for families which includes a member with disabilities and because of a claim of a VAWA crime.

2) If the interest update form is returned marked "Addressee Unknown".

3) If the interest update form is returned with no forwarding address.

4) If the interest update form is returned with a forwarding address, the interest update form will be mailed to the address indicated.

a) The applicant will have 10 business days, from the date of the interest update form, to respond to the PHA.

b) If the applicant fails to respond to the second interest update form within the allotted time period, the applicant will be removed from the waiting list.

5) If the family requested in writing that their name be removed from the PHA waiting list.

7. Interest List

The PHA does not maintain an interest list when applications are not being taken.

B. Special Admission (Non-Waiting List)

The PHA does not currently administer any special admission programs.

C. Completion of Application

The PHA must make available and accept applications from interested families during periods when the PHA's waiting list is open. The PHA may only accept an application for HCV housing assistance when the waiting list is opened.

1. Applying for Assistance

When the waiting list is open, the applicant may submit the pre-application to the PHA, in person or by fax.

a. In person at the PHA office at 1201 Thorpe Lane, San Marcos, Texas 78666. The time and day will be determined by the PHA.

1) As a reasonable accommodation for persons with disabilities, the application may also be mailed to the applicant and, if requested, it will be mailed in an accessible format.

2) To provide specific accommodation for persons with disabilities, the applicant may call the PHA to make special arrangements to complete the application.

3) Applications submitted in person at the PHA office are date and time stamped when returned to the PHA, fully completed, and signed by the applicant family's head of household.

b. By faxing to the PHA at (512) 392-4272. The PHA staff receiving applicant information by fax will date and time stamp the pre-application.

2. Pre-Application Procedures

A preliminary-application form (pre-application) will be utilized.

a. The pre-application contains sufficient information to permit the PHA to conduct a preliminary screening to assess family eligibility or ineligibility and to determine placement on the waiting list.

b. Pre-applications do not require an interview.

3. Notification of Applicant Status

   Based on the information provided by the applicant in the pre-application, the PHA will make a preliminary determination of eligibility or ineligibility.

   a. If the pre-application determines the family to be potentially eligible, the applicant will be notified:

      1) In writing of the date and time of placement on the HCV waiting list.

      2) That the family will be required to complete a full application.

      3) The information on the pre-application is not verified until the applicant has been selected for final eligibility determination.

      4) The approximate amount of time before the final eligibility appointment will be scheduled.

      5) Final eligibility will be determined when the full application process is completed, and all information is verified.

      6) PHA communication will in no way lead the applicants to believe that the estimated date is exact but will stress that the estimated date is subject to several factors that are beyond the PHA's control (i.e., turnover, funding, etc.).

   b. If the pre-application determines the family to be ineligible:

      1) The PHA will mail a letter of ineligibility to the applicant stating the reason(s) that determined them ineligible, and

      2) Include a statement that the applicant has an opportunity for an informal review of the PHA determination.

4. Completion of a Full Application

   When the applicant reaches the top of the waiting list, the PHA will:

   a. In person and by appointment provide the full application packet to the family and invite the family to attend an eligibility appointment.

   b. The eligibility appointments may be scheduled by mail and will provide the applicant with at least two (2) weeks' notice.

      1) The PHA requires all household members 18 years of age and older to attend the appointment.

      2) In addition to the full application packet, the eligibility appointment letter will identify other information and/or documents that the applicant will be required to bring to the appointment.

      3) Reasonable accommodations will be made upon request for persons with disabilities.

c. The applicant will be responsible for completing the full application packet.

1) The PHA will provide assistance in the completion of the application, if requested, as a reasonable accommodation for persons with disabilities or applicants with Limited English Proficiency.

2) The head of household, as well as all members of the household over the age of 18 years must sign the application including all required HUD forms.

5. Requirement to Attend Scheduled Interview

If the applicant is unable or cannot attend the scheduled interview, it is the applicant's responsibility to inform the PHA, in writing or by telephone, prior to the scheduled interview.

a. The PHA will reschedule the interview and notify the applicant in writing.

b. If the applicant fails to attend the scheduled interview and does not contact the PHA to reschedule the appointment, the application may be rejected, and the applicant may be denied admission.

c. If the applicant misses two (2) appointments, the PHA will designate the application as inactive. The applicant will be removed from the waiting list and may reapply when the waiting list is opened.

6. Final Determination and Notification of Eligibility

a. After following the verification process per Chapter 11, a final determination of eligibility will be made before inviting the family to an HCV Family Briefing session for issuance of voucher.

b. The housing choice voucher (voucher) will not be issued before all eligibility criteria have been met.

7. Applicant Responsibilities

a. Supply true, accurate, and complete information on the application and consent forms.

b. Supply any documents and verification as requested by HUD and the PHA.

c. Attend scheduled application appointments.

d. Timely inform the PHA, in writing or in person, of changes in address, or any other changes affecting their eligibility.

e. Timely respond to requests from the PHA to update information on their application and to confirm their continued interest in applying for housing assistance.

D. Local Preferences

The PHA may, but is not required to, establish a system of local preferences for selection of families admitted to the HCV program. The PHA's preferences will be consistent with the PHA Plan and the Consolidated Plan and will be based on local housing needs and priorities that can be documented by generally accepted data sources.

1. The PHA has elected to adopt the following as the local preferences:

Preference	Rank or Point Value
Residency	1

2. Changes in Preference

   Applicants on the PHA's waiting list who did not claim a preference when they applied may experience a change in circumstances that later qualified them for a preference – or the reverse may occur.

   a. The PHA will require applicants on the PHA's waiting list to report changes in the preference within 10 days of occurrence.

   b. If the applicant's preference stats changes, the applicants retain their original date and time of application.

   c. The applicant may move up or down on the waiting list in accordance with the changes in the preference and date and time of the application.

E. Selection from the Waiting List

The PHA shall follow the following basic selection from the waiting list policies.

1. Basic Selection Policy

   a. Applicants will be selected from the waiting list in order of date and time of the pre-application with consideration given to the regulations governing income targeting.

   b. The applicant with the earliest date and time will be chosen first.

   c. Applicants whose income is greater than 30% of the area median income may be passed on the waiting list pursuant to the income targeting requirements.

2. Family size

   a. The order of admission from the waiting list will not be based on family size or the family unit size for which the family qualifies under the PHA's subsidy standards.

   b. If the PHA does not have sufficient funds to subsidize the family unit size of the family at the top of the PHA's waiting list, the PHA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

F. Income Targeting

Pursuant to the Quality Housing and Work Responsibility Act (QHWRA), not less than 75% of the families admitted to the HCV program during the PHA's fiscal year from the PHA's waiting list must be extremely low-income families.

1. A PHA may admit a lower percent of extremely low-income families during a PHA's fiscal year (than otherwise required) if HUD approves the use of such lower percent by the PHA, in accordance with the PHA Plan, based on HUD's determination that:
   a. The PHA has opened its waiting list for a reasonable time for admission of extremely low-income families residing in the same metropolitan statistical area (MSA) or non-metropolitan county, both inside and outside the PHA jurisdiction;
   b. The PHA has provided full public notice of such opening to such families, and has conducted outreach and marketing to such families, including outreach and marketing to extremely low-income families on the Section 8 and public housing waiting lists of other PHAs with jurisdiction in the same MSA or non-metropolitan county;
   c. There are not enough extremely low-income families on the PHA's waiting list to fill available slots in the program during any fiscal year for which use of a lower percent is approved by HUD; and
   d. Admission of the additional very low-income families, other than extremely low-income families to the PHA's tenant-based voucher program will substantially address worst case housing needs as determined by HUD.
2. Two (2) or more PHAs in same jurisdiction may elect to be treated as a single PHA for purposes of meeting targeting goals.
3. If a family initially leases a unit outside the PHA jurisdiction under portability at admission to the HCV program, such admission shall be counted against the targeting obligation of the initial PHA (unless the receiving PHA absorbs the portable family into the receiving PHA HCV program from the point of admission).

- HCV TERMINATIONS

CHAPTER 30: TERMINATION OF ASSISTANCE AND HAP CONTRACTS

The PHA may terminate assistance for a family because of the family's action or failure to act. The PHA may also terminate the HAP contract if the owners fail to comply with their obligations under the terms of the HAP contract.

The PHA will provide families with a written description of the obligations of the family under the HCV program, grounds under which the PHA can terminate assistance, and the informal hearing procedures.

A. Termination of Assistance

Termination of assistance of a family may include:

1. Refuses to enter into a HAP contract or approve a lease.
2. Terminating the HAP payments under an outstanding HAP contract.
3. Refusing to process or provide assistance under portability procedures.

B. Automatic Terminations of the HAP Contract

The HAP contract terminates automatically when:

1. The family moves from the assisted unit;
2. The PHA terminates program assistance for the family;
3. The owner and the family terminate the lease;
4. The owner evicts the family; or
5. The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.
   a. This determination does not preclude the family from asking to terminate assistance immediately, nor does it impact any rights under the lease.
   b. If the family experiences a change in circumstance during the 180 days, the family must notify the PHA of the changed circumstances and request an interim reexamination before the expiration of the 180 days.
   c. Families whose assistance is terminated under this instance will have to reapply for assistance when PHA is accepting applications.

C. Mandatory Termination of Assistance

The PHA must terminate program assistance of the family for any of the following reasons:

1. If the family was evicted from housing assisted under the HCV program for a serious violation of the lease.

   Serious violations (includes but is not limited to failure to pay rent or other amounts due under the lease, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit), or repeated violation of the terms and conditions of the lease.

2. If any member of the family fails or refuses to sign and submit consent forms (i.e., declaration of citizenship, form HUD-9886 Authorization for the Release of Information/Privacy Act Notice and other consent forms) for obtaining information.
3. If the family fails to submit required evidence of citizenship or eligible immigration status.
4. If any member of the household required to disclose their SSN does not disclose their SSN and provide the required documentation.

   If the family is otherwise eligible, the PHA may defer the family's termination and provide the family an opportunity to comply with the SSN requirements within a period not to exceed 90 calendar days from the date the PHA determined the family noncompliant for the SSN disclosure and documentation requirement, only if the PHA determines:

   a. The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and
   b. There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.
5. If any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education.
6. Death of the sole member of the family.
7. If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
8. Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

D. PHA Authority to Terminate Assistance

The PHA has the authority and may at any time terminate HCV program assistance of a family for any of the following reasons:

1. If the family violates any obligations of family under the HCV program:
   a. The family failed to supply any information that the PHA or HUD determined necessary in the administration of the program.
   b. The family failed to supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
   c. If the participant provides information that is not true or complete.

d. If the family did not report an interim change in family composition or income, etc., which they were required to report, the PHA would determine how much the family owed the PHA, due to the unreported or untimely reported information.

e. The family fails to allow the PHA to inspect the unit at reasonable times and after reasonable notice.

f. The family may not commit any serious or repeated violation of the lease.

An incident or incidents of actual or threatened VAWA crimes will not be construed as a serious or repeated lease violation by the victim, or threatened victim, of the VAWA crime or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.

g. The family failed to notify the PHA and the owner before the family moved out of the unit or terminated the lease on notice to the owner.

Except if the family moved out in violation of the lease in order to protect the health or safety of a person who is or has been the victim of a VAWA crime and who reasonably believed to be threatened with imminent harm from further violence by remaining in the dwelling unit (or any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's move or request to move), and has otherwise complied with all other obligations under the HCV program.

h. The family failed to promptly give the PHA a copy of any owner eviction notice.

2. If any member of the family has been evicted from federally assisted housing in the last five (5) years.
3. If a PHA has ever terminated assistance under the HCV program for any member of the family.
4. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
5. If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
6. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
7. If the family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.

   a. The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA.

   b. The PHA may prescribe the terms of the agreement.

8. If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

9. If the family has been engaged in criminal activity or alcohol abuse.
10. If the family signs an agreement with an owner/landlord to pay for the owner/landlord to repair tenant caused HQS fail items, and the family fails to repay the owner/landlord pursuant to said agreement, assistance may be terminated.
11. If a household member is fleeing to avoid prosecution, or custody or confinement after prosecution for a crime that is a felony under the law of the place from which the individual flees.
12. If a family member has violated or is violating a condition of probation or parole imposed under federal or State law.

E. Termination of Assistance for Criminals and Alcohol Abusers

1. The PHA has established the following standards to be applied as appropriate, for drug-related criminal activity, violent criminal activity, and alcohol abuse concerning termination of assistance:
    a. The PHA has determined a "pattern" as at least one (1) drug or alcohol related criminal offenses within the five (5) year period while the family is participating in the HCV program.

       A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
    b. Evidence of criminal activity shall be defined as a conviction for criminal activity.
    c. Currently engaging in illegal use of a drug shall be defined as within 365 days from the date the PHA discovered the use of the illegal drug.
    d. Reasonable cause shall be determined by a conviction of illegal use of a drug charge or other criminal activity.
    e. The PHA may determine the use of an illegal drug through conviction of a drug-related charge.
    f. The PHA shall determine involvement in criminal activity through the conviction for a criminal activity.
    g. There is no time period concerning the conviction of a drug-related charge for manufacturing, production, or distribution of methamphetamine on or off the premises of federally assisted housing. Such household member(s) being convicted of this offense will always be denied admission.
2. As a measure to determine whether if any member of the household has violated the obligations of the family under the HCV program for drug-related criminal activity, violent criminal activity, or other criminal activity, the PHA has established the following standards:

   Drug-related criminal activity, criminal activity, and alcohol abuse include such activity engaged in on or near the premises by any member of the family, guest, or by any other person in the family's control.

a. Any household member is currently engaged in any illegal use of a drug.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

b. Any family member has violated the family's obligation not to engage in any drug-related criminal activity.

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

c. Any household member has violated the family's obligation not to engage in violent criminal activity.

Violent Criminal Activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

d. Any household member is engaged in the abuse or pattern of abuse of alcohol to the extent that the abuse interferes and/or threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Abuse of alcohol includes behavior or a pattern of behavior of any family member and/or guest that as a result of the abuse of alcohol interferes with the health, safety, or right of peaceful enjoyment of the premises by other residents.

3. A perpetrator of domestic violence, dating violence, sexual assault or stalking.

F. Termination of Assistance Based on Consumer Reporting Agency Criminal Reports.

1. When the PHA obtains the criminal background report from a consumer reporting agency (CRA), the provision of the Fair Credit Reporting Act applies.
2. If a PHA terminates assistance based in part on a report obtained from a CRA, the notice must include:
   a. Name, address and telephone number of the CRA;
   b. A statement that the CRA did not make the decision to terminate the assistance; and
   c. Notice of the right to obtain a free copy of the report and dispute any information in the report.

G. Family Self-Sufficiency (FSS) Participants

The PHA will not terminate HCV housing assistance of an FSS family for noncompliance with the Contract of Participation.

However, PHA may withhold supporting services from the FSS family upon notice to the family:

H. Termination of HAP Contract Due to Insufficient Funding

The PHA may terminate the HAP contract if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

Termination of HAP contracts due to insufficient funding will only be implemented as a last resort and will be compliant with Equal Opportunity and civil rights requirements.

1. Determination of Insufficient Funding

   The PHA will use the following criteria to determine adequacy of funding:

   a. If the PHA has adequate funds to service the existing vouchers under HAP contract through the end of the calendar year, funds will be determined to be sufficient and the PHA will not terminate contracts or vouchers due to insufficient funding.

   b. If the PHA has inadequate funds to service the existing vouchers under HAP contract through the end of the calendar year, funds will be determined to be insufficient and the PHA may begin procedures to terminate HAP contracts, stop issuing vouchers, or rescind recently issued vouchers due to insufficient funding.

   c. In determining if funding under the Consolidated Annual Contributions Contract (CACC) is insufficient to support continued assistance for families in the program, the PHA will take into consideration its available budget authority (which includes unspent prior year HAP funds in the PHA's Unrestricted Net Position (UNP)).

   d. The PHA will conduct an analysis of funds vs. expenditures using HUD approved methods to determine if funds are insufficient to support the current vouchers under HAP contract through the end of the calendar year.

   e. The PHA will notify the HUD field office and its financial analyst at the Financial Management Center (FMC) prior to termination actions due to insufficient funding.

2. Alternative Measures

   Before terminating HAP contracts on the basis of insufficient funding, the PHA must ensure that it has carefully considered all cost-savings measures and the impact such terminations will likely have on HCV program applicants and participants. These may include:

   a. Utilizing alternative sources of unrestricted non-federal funding that may be available.

   b. Use of HUD approved outside source of funds

   c. Reviewing and revising rent reasonableness if necessary.

   d. Ensuring accurate utility allowances.

   e. Implementing interim reexaminations for income increases.

   f. Implementing minimum rents.

   g. Lowering payment standards.

h. Requesting receiving PHAs to absorb portability vouchers that are currently being billed.

3. Owner Notification

a. The PHA will notify the owner by certified mail, giving as much notice as possible but no less than 30 days prior to the effective date of the termination. Failure to accept certified mail does not constitute failure of the PHA to notify the owner.

b. The notice of termination will include, at a minimum:

1) The reason for the HAP contract termination.

2) Regulatory and Administrative Plan citations regarding authority to terminate for insufficient funding.

3) Effective date of termination.

4) Rights and responsibilities of the owner.

5) PHA contact person.

4. Family Notification

a. The PHA will notify the family by certified mail, giving as much notice as possible but no less than 30 days prior to the effective date of the termination. Notice to a family under the protection of a court order, Fair Housing Voluntary Compliance Agreement, or the Violence Against Women Act will be delivered a minimum of 60 days prior to the effective date of the termination. Failure to accept certified mail does not constitute failure of the PHA to notify the family.

b. The notice of termination will include, at a minimum:

1) The reason for the voucher termination.

2) Regulatory and Administrative Plan citations regarding authority to terminate for insufficient funding.

3) Effective date of termination.

4) Rights and responsibilities of the family (keep contact info current, etc.).

5) Special assistance available from the PHA.

6) PHA contact person.

7) Information on resuming assistance.

8) Options that may be open to the family (public housing assistance, comparable tenant-based assistance, etc.).

5. Order of Termination and Resuming Assistance

The PHA will work with the HUD Shortfall Prevention Team to determine the order of termination of HCV assistance, including the Project-Based Voucher program and special purpose vouchers.

I. Termination of the Tenancy by the Family

The family may terminate tenancy after the initial lease term. The family may terminate the tenancy during the initial term if the owner agrees to release the family from the lease.

1. Family termination notice requirements
   a. The family must give the notice to vacate to the owner as required by the lease.
   b. The family must give the PHA copy of the notice to vacate given to owner at the same time.
   c. The family must give the notice to vacate to the owner and PHA prior to moving out of the unit.
      1) Except for victims of a VAWA crime and the move is needed to protect the health or safety of the family or family member, or
      2) If any member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.
2. Continued Assistance
   a. The family must notify the PHA whether the family needs continued assistance in another unit.
   b. If family is eligible for continued assistance, the PHA will schedule a reexamination appointment and issue the family another voucher to lease-up in another unit.

J. Termination by Owner

The owner must limit termination to those allowed by the lease and HUD requirements in the HUD-required tenancy addendum.

1. During the term of the lease (the initial term or the lease or any extension term), the owner may only terminate the tenancy because of:
   a. Serious or repeated violation of the lease;
   b. Violation of federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and the premises;
   c. Criminal activity or alcohol abuse; or
   d. Other good cause.
2. Other good cause for termination of tenancy
   a. During the initial lease term, other good cause for termination of tenancy must be something the family did or failed to do.
   b. During the initial lease term or during any extension term, other good cause may include:
      1) Disturbance of neighbors,

2) Destruction of property, or

3) Living or housekeeping habits that cause damage to the unit or premises.

c. After the initial lease term, such good cause may include:

1) The tenant's failure to accept the owner's offer of a new lease or revision;

2) The owner's desire to use the unit for personal or family use or for a purpose other than use as a residential rental unit; or

3) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, the owner's desire to rent the unit for a higher rent).

4) The examples of other good cause do not preempt any State or local laws to the contrary.

3. Criminal activity or alcohol abuse.

a. The owner may terminate the tenancy during the term of the lease if any member of the household, a guest or another person under a resident's control commits any of the following types of criminal activity:

1) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);

2) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;

3) Any violent criminal activity on or near the premises; or

4) Any drug-related criminal activity on or near the premises.

b. The owner may terminate the tenancy during the term of the lease if any member of the household is:

1) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees; or

2) Violating a condition of probation or parole under federal or State law.

c. The owner may terminate the tenancy for criminal activity by a household member if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

d. The owner may terminate the tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

4. The family is not responsible for payment of the portion of the rent to owner covered by HAP payment under the HAP contract between the owner and the PHA.
    a. During the term of the lease, the owner may not terminate the tenancy of the family for nonpayment, including late payment, of the HAP payment by the PHA.
    b. The PHA failure to pay the HAP payment, including late payment, to the owner is not a violation of the lease between the family and the owner.
5. Owner Notification Requirements

    The owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under State or local law to commence an eviction action.
    a. The owner may only evict the family from the unit by instituting a court action.
    b. Owner notice of grounds
        1) To terminate tenancy the owner must give the family written notice of the owner's intent to terminate the tenancy and the reasons for the termination.
        2) The tenancy does not terminate before such notice is given.
        3) The notice must be given to the family at or before commencement of any eviction action.
        4) The notice of grounds may be included in or combined with any owner eviction notice to the family.
        5) The owner must give the PHA a copy of any owner eviction notice at the same time the owner notifies the family.
    c. The PHA will continue to make HAP payments to the owner as long as the family remains a program participant and remains in the unit, even if the owner has started the eviction process.
    d. The PHA will continue to pay the HAP payment to the owner until the family moves or the court judgment allows the owner to evict.

K. Consideration of Circumstances before Termination of Assistance

The PHA and owner may consider all specific circumstances of each family in determining whether to terminate assistance or evict the family, respectfully, because of family's action or failure to act by members of the family.

1. Circumstances the PHA and owner may consider include but are not limited to:
    a. The seriousness of the case or offending action.
    b. The extent of participation or culpability of individual family members.
        1) The PHA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The PHA may permit

the other members of a participant family to continue receiving assistance.

2) The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

c. Mitigating circumstance related to the disability of a family member.

d. The extent to which the family (leaseholder) has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action.

e. If the family includes a person with disabilities, the PHA decision concerning such action is subject to consideration of reasonable accommodation.

f. The effects of termination of assistance on other family members who were not involved in the action or failure to act.

g. The effect on the community of termination or the failure of the owner to take such action.

h. In determining whether to terminate assistance or terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the PHA or owner may consider whether such household member:

1) Is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

2) The PHA or owner may require the family to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

i. The likelihood of reoccurrence.

j. Age at the time of the criminal activity.

k. Length of time since conviction.

l. The effect the owner's action on the integrity of the HCV program.

2. Nondiscrimination limitation and protection for victims of a VAWA crime. The PHA's termination actions and the owner's termination of tenancy actions must be consistent with Fair Housing and Equal Opportunity provisions and protections for victims of VAWA crimes.

3. Limitations of VAWA protections:

a. Nothing in this section limits any available authority of the PHA to terminate assistance to a tenant for any violation not premised on an act of a VAWA crime that is in question against the tenant or an affiliated individual of the tenant.

b. The PHA must not subject the tenant, who is or has been a victim of a VAWA crime or is affiliated with an individual who is or has been a victim of a VAWA crime to a more demanding standard than other tenants in determining whether to terminate assistance.

c. If the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the PHA would be present if that tenant or lawful occupant is not terminated from assistance.

d. Words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the standards provided in the definition of "actual and imminent threat".

e. Any termination of assistance, should be utilized by the PHA only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat.

f. Restrictions predicated on public safety cannot be based on stereotypes but must be tailored to particularized concerns about individual residents.

2

C. INFORMATIONAL–SMHA HAS A CONTRACT WITH A NEW PEST CONTROL COMPANY.

2

D.INFORMATIONAL-SPRINGTOWN VILLA PROCESS OF GETTING BIDS ON CAMERAS.

E. **DISCUSS HOLIDAY SCHEDULE FOR DECEMBER,2025 TO DECIDE IF A BOARD MEETING WILL BE HELD.**

2025 City of San Marcos Holiday Calendar

Jan 2025

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Feb 2025

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Dec 2025

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HOLIDAYS

January 1	New Year's Day	January 20	MLK Jr. Day
February 17	President's Day	May 26	Memorial Day
June 19	Juneteenth	July 4	Independence Day
September 1	Labor Day	October 13	Indigenous Peoples' Day
November 11	Veterans Day	November 27 & 28	Thanksgiving Day After Thanksgiving
December 24 & 25	Christmas Eve & Christmas Day		

2.

F. INFORMATIONAL ONLY -FROM PHADA ADVOCATE. PHADA MOST COMMONLY STANDS FOR PUBLIC HOUSING AUTHORITIES DIRECTORS ASSOCIATION. THEY ADVOCATE FOR PH DIRECTORS BEFORE CONGRESS AND HUD.

PHADA Helping House America

ADVOCATE

Volume 40, Number 18 October 15, 2025

The Latest on the Government Shutdown

Parties Remain Divided on Healthcare Funding Issues

At midnight on October 1, the federal government began a complete shutdown. This marks the first complete government shutdown since late 2018, when appropriations lapsed from December 22, 2018, until January 25, 2019. That 35-day shutdown was the longest one the U.S. has ever experienced.

Members should continue normal operations during the shutdown. HAs may consider reaching out to key partners—such as Housing Choice Voucher landlords—to assure them that normal operations will continue for the time being. Members with questions about the impact of the shutdown should contact: policy@phada.org.

How We Got Here

As in many recent years, the FY 26 appropriations process has proven contentious. In May, the Administration released its budget request (**https://bit.ly/3KO717o**), which proposed deep cuts to HUD programs and a poorly conceived plan to block grant affordable housing funding to the states.

In July, both the House and Senate released their respective Transportation, HUD, and Related Agencies (T-HUD) appropriations bills. While neither chamber included the President's deep cuts in their T-HUD bills, both the House and Senate proposed unsustainable cuts to public housing funding. The House also proposed flat voucher renewal funding—which, given rental inflation, would result in currently-assisted families losing assistance.

Similar to past years, Congress was unable to pass all 12 appropriations bills before the end of the fiscal year, thus necessitating a Continuing Resolution (CR) to keep the government funded. On September 19, the Republican-led House narrowly passed a CR (**https://bit.ly/3ItayqR**), which was then blocked by Democrats in the Senate. If enacted, the CR would maintain level funding for HUD programs while also allowing the Department to repurpose unobligated voucher admin fees, special purpose vouchers, and tenant protection voucher funding to address voucher shortfalls.

Shutdown May Be Lengthy

As of press time, it appears that the shutdown may be lengthy. Democrats have objected to Republicans not negotiating with them when writing the CR, and are also pushing to extend subsidies on Affordable Care Act health plans. Republicans have countered that they will only negotiate extending those subsidies when the government is open. As of press time, the parties are not publicly negotiating to break this impasse.

Of course, developments are fast-moving, and it is possible that the parties could come to an agreement to reopen the government sooner rather than later. PHADA staff have communicated with Congressional offices from both parties about the negative impacts of a shutdown on affordable housing programs. The Association also encourages members to contact their

See "Government Shutdown" continued on page 13

"Government Shutdown" continued from page 1

representatives about the negative impacts of a protracted shutdown.

HAs Should Have Sufficient Funding Through Mid-November

HUD staff have assured PHADA that agencies should have sufficient public housing and Housing Choice Voucher operating funding to ensure normal operations through mid-November. The Association understands that Field Office staff have been working with HAs in shortfall to avoid any current voucher families losing assistance.

Late on September 30, HUD published its shutdown contingency plan (**https://bit.ly/4q5bbI6**). That plan outlines which staff are required to work during the shutdown to ensure continued operations. It also discusses which Departmental activities will continue during the shutdown. As in prior shutdowns, the contingency plan notes that HUD will keep open eLOCCs and HUDCAPS to ensure that HAs can access obligated public housing and voucher funding.

PHADA understands that, should the Administration proceed with its proposed "Reductions in Force" layoffs that would coincide with a shutdown (**https://bit.ly/3IArHPn**), HUD staff administering the public housing, HCV, and Multifamily programs are unlikely to be impacted. As of press time, the Department has not publicly commented on what, if any, Reductions in Force will occur during the shutdown.

While Republicans and Democrats are currently at an impasse on reopening the government, an agreement may come quickly. PHADA will continue to keep members updated regarding the latest on HUD funding through social media, eBlasts, and the *Advocate*. ■

PHADA Continues to Advocate on Build America, Buy America

PHADA continues to advocate for practical solutions for HAs to comply with Build America, Buy America (BABA) purchasing requirements. Earlier this year, PHADA submitted detailed feedback to HUD leadership outlining the significant burdens that BABA compliance will have on HAs, including increased costs and delays in constructing and rehabilitating affordable housing.

Since then, PHADA has engaged in ongoing discussions with our members and federal partners on ways to support the goals of both BABA (e.g., establish and support American industries) and PHADA members (e.g., housing preservation, rehabilitation, and development of essential affordable housing units).

Key Concerns from Housing Authorities

- **Increased Costs and Reduced Development**—BABA compliance raises operating and development costs, slows progress on projects, and reduces the number of units that can be built or rehabilitated.
- **Administrative Burdens and Delays**—The existing waiver request process is straining HUD, the Office of Management and Budget (OMB), and HAs, causing significant delays and increased costs.
- **Unworkable Waivers**—Existing general waivers available to HAs are not practical and result in higher costs for fewer outcomes. In cases across the country, PHAs are finding that the cost of compliance with BABA is greater than the amount of the Federal Financial Assistance. This threshold is too high and contrary to the Department's and HA's missions. In the end, U.S. taxpayers will pay more money for fewer urgently needed capital improvements.
- **Competitive Disadvantage for Development Resources**—BABA could push development costs beyond financing limits, disadvantaging HAs in competitions for Low-Income Housing Tax Credits (LIHTC) and other affordable housing resources versus projects that are not subject to BABA requirements.
- **Resident Impact**—Delays in capital improvements due to increased costs and administrative burdens negatively impacts residents' health and safety.
- **Lack of Resources**—Recently, PHADA wrote to the Department voicing concerns about the combined impacts of HUD's ongoing staffing reductions and the loss of critical program information following the Department's redesign earlier this year (see page 3). Lack of available BABA resources contributes to compliance challenges and increased costs.

Recent Wins and Developments

- **Small Regulatory Win**—HUD published PIH Notice 2025-06 in January, which clarifies that buildings with fewer than five dwelling units are considered private and therefore not infrastructure, exempting them from BABA.
- **Increased Stakeholder Engagement**—In general, it appears that critical stakeholders, like federal partners, contractors, developers, and congressional contacts have an increased awareness and recognition of the challenges related to BABA compliance. PHADA plans to capitalize on this opportunity to engage key stakeholders around improving upon and expanding existing general waivers, along with other potential regulatory and administrative relief.

Recommendations to Update Waivers for Increased Workability

Following is a list of recommendations only. PHADA looks forward to continuing discussions with federal partners to ensure BABA's as workable as possible for agencies, minimizing delays, reducing costs, and supporting the timely delivery of decent, safe, and sanitary affordable housing.

- **Exempt FFA Related to Affordable Housing**—Given the significant impact BABA requirements could have on affordable housing, PHADA urges HUD to reinterpret the definition of "infrastructure" to exempt all Federal Financial Assistance used for preservation, rehabilitation, and development of affordable housing.
- **Exempt FFA Within Capital Stacks**—Exempt FFA contributions to larger capital stacks from BABA or apply BABA only to those specific funds in mixed-finance projects.
- **Increase Small Grants Waiver**—Apply to projects where covered material costs are ≤ $250,000, excluding unrelated costs like labor and fees.
- **Expand Exigent Circumstances Waiver**—Cover any threat to life, safety, or property, regardless of project timeline, especially for NSPIRE compliance and emergency repairs.
- **Create General Waivers for Known Non-Availability**—Waive BABA for products/materials known to be unavailable (e.g., smoke detectors, CO detectors, light switches) and allow reuse of approved waivers across projects.
- **Adjust Unreasonable Cost Waiver Threshold**—Allow waivers if covered material costs increase by more than 25%, rather than total project cost.
- **Streamline Waiver Application Process**—Allow HAs to certify completion of due diligence steps without submitting all documentation.
- **Create Uniform Guidance Across HUD and Other Fed. Departments**—Standardize BABA guidance and waivers across all HUD departments and/or all federal departments to eliminate inconsistencies and streamline processes for HUD, the OMB, and HAs.

Next Steps

PHADA has planned meetings in October with federal partners and other stakeholders to walk through specific recommendations and ideal solutions. The Association remains cautiously optimistic that future common-sense adjustments can make BABA more workable for HAs and will keep members apprised of any updates.

In the meantime, if your agency needs a time sensitive waiver, PHADA encourages you to reach out to Crystal Wojciechowski at: cwojciechowski@phada.org for assistance to connect your agency with the appropriate HUD contact dependent upon the funding source. Further, agencies are encouraged to connect with Crystal if/when you encounter BABA roadblocks so that these obstacles can be communicated to the appropriate federal partner.

Resources for Agencies

- "BABA: How to Prepare for Implementation," PHADA webinar, April 23, 2025 (**https://bit.ly/48Fehfu**).

- BABA Resources for Housing Authorities (**https://bit.ly/40oXw2R**).
- Optional BABA Applicability and Compliance Checklists (**https://bit.ly/402vzaR**).
- HUD PIH Notice 2025-06 (**https://bit.ly/4nZfOBw**). ■

Public Charge Rule Unchanged

Housing Assistance Not Considered in Test

On September 5, the U.S. Customs and Immigration Service (USCIS) issued a policy memo to its officers providing guidance for reviewing public charge considerations on applications by immigrants for legal permanent resident status (green card). The memo reinforces that the final rule completed under the Biden Administration in 2022 remains in effect.

Article Summary

- USCIS Policy Memo Reinforces 2022 Public Charge Final Rule reversing 2019 rule.
- Housing assistance is not considered when assessing if an applicant for permanent legal residence (Green Card) is or may become a public charge.
- PHADA submitted comments opposing the 2019 rule as unnecessary and ineffective.
- Policy memo will have no direct impact on housing authorities or assisted households.

Background

For over 140 years, US immigration law has included provisions designed to deny admission or permanent resident status to any foreign national who is likely to become a "public charge"—dependent on government as their main source of support. While some details of that law and implementing regulations have changed over time, current regulations define a public charge as someone "primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or long-term institutionalization at government expense."

Currently, only direct cash assistance programs are considered—Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF) cash assistance and General Assistance. Special purpose payments for supports like childcare and energy assistance are not considered, nor are food and nutrition programs like SNAP and WIC, or housing programs like public housing or Housing Choice Vouchers. Health benefits such as Medicaid are also not considered unless they are paying for long-term institutionalization.

In 2018, the Trump administration proposed a rule that would have expanded the list of benefits considered in evaluating if an immigrant or resident alien was or was likely to become a public charge to include public housing, section 8 assistance, SNAP benefits, and Medicaid health insurance. PHADA submitted comments opposing the new rule as unnecessary and likely to be ineffective (**https://bit.ly/475lcoi**). It also could cause significant harm to communities, families and housing authorities while not contributing to the Department of Homeland Security's mission. The main points of PHADA's comments were:

- The rule would be ineffective and is unnecessary as almost all noncitizens are statutorily ineligible for housing assistance programs.
- Receipt of a housing subsidy does not on its own accurately measure self-sufficiency or reliance on public assistance for subsistence.
- Housing programs are not an incentive for immigration, as evidenced in part by the long wait lists for housing assistance.
- The proposed rule could increase costs for housing authorities and the federal government, while reducing the number of families serviced

In the February 19, 2020 *Advocate* (**https://bit.ly/3Wk428U**), an update on the issue stated:

> In October 2019, after receiving over 266,000 public comments in response to its proposed rule including PHADA's comments, DHS published a final public charge rule. Immigrant rights groups and state and local governments sued the Department to prevent implementation and succeeded getting several federal district courts to grant temporary injunctions preventing implementation of the rule. Some federal appeals courts stayed some of those injunctions, while others did not. In January, SCOTUS stayed almost all of these injunctions, permitting DHS to proceed to implement its new public charge rule everywhere but Illinois.

The Biden administration stopped implementation of the new rule in 2021 and replaced it with a final rule similar to the prior rule in 2022. However, advocates and researchers recorded an ongoing "chilling effect" of the policy roller coaster, with many immigrant households withdrawing from or not registering for benefits for which they are eligible such as SNAP, WIC, school meal programs and Medicaid.

No Direct Impact on Housing Authorities or Assisted Households, Affirms 2022 Rule

The September 5 memo on implementation of the public charge test in the processing of immigration status change requests will have no impact on housing authorities or assisted households, including mixed-status households. Public housing and Section 8 assistance are not considered when assessing the potential of an individual to become a public charge. Only direct cash assistance for income maintenance and long-term institutionalization at government expense are to be considered among government assistance programs. Further, no single factor can trigger denial under the public charge test, as all of a person's circumstance must be considered. Factors identified in the memo and the law include age, health, family status, assets, resources, financial status, education, and skills. Overall, the memo reaffirms the 2022 final rule and suggests that no further regulatory action on the public charge rule is likely. ■

HUD Funding Notices

FY 25 FSS Annual Notice

Applications Are Due October 29

HUD has released the FY 25 Family Self-Sufficiency (FSS) Annual Funding Notice for calendar year 2026 funding. Only agencies funded in at least one of the past 3 years are eligible; **new applicants will not be considered.** The FY 25 application process is similar to FY 24 and HUD encourages agencies to review both the General Notice (**https://bit.ly/4gOQ3RX**) and Annual Notice (**https://bit.ly/46JadIA**) for full instructions.

A link to apply was sent from GrantSolutions on September 26 (**https://bit.ly/4nxMO4b**) to all Authorized Organizational Representatives (AORs).

Materials to support your application are posted on the FSS Resources Page (**https://bit.ly/476KzyE**)—there is no separate funding page this year. HUD will also host a Funding Session on October 6 (though this webinar may be postponed if the government shutdown continues) and Office Hours on October 21. Please note that these sessions will not be recorded.

- **Funding Session:** October 6, 2:00 pm – 4:00 pm ET. Register at: **https://bit.ly/4gTGCRh.**
- **FSS October Office Hours:** October 21, 2:00 pm – 4:00 pm ET. Register at: **https://bit.ly/4h1Txkf.**

HUD Releases FY 25 ROSS-SC NOFO

HUD has released the FY 25 Resident Opportunities and Self-Sufficiency Service Coordinator (ROSS-SC) Notice of Funding Opportunity (**https://bit.ly/403t1Jz**), making $40 million available for about 114 awards. These grants support service coordinators who connect residents with employment, education, health, and other resources.

Applications are due December 2, 2025 (**https://bit.ly/3IQXknI**).

The NOFO includes a list of eligible applicants for renewal grants (**https://bit.ly/46K91og**) and new applicants may also apply. Members are encouraged to review the NOFO and FAQs (**https://bit.ly/4nxQ9jJ**) and register for the upcoming FY25 ROSS-SC NOFO Office Hours (**https://bit.ly/4gS1qco**). ■

HUD Publishes Official Extension of NSPIRE for Certain Programs

Extension for HCV, PBV, and Mod Rehab to February 1, 2027

On September 30, the Department published the official extension of the compliance date for the National Standards for the Physical Inspection of Real Estate (NSPIRE) for the Housing Choice Voucher (HCV), Project-Based Voucher (PBV), and Section 8 Moderate Rehabilitation (Mod Rehab) programs through January 31, 2027. PHADA previously reported on this extension following a verbal announcement at the Annual Legislative Forum in early September.

The notice notes that HUD is taking this action to provide housing authorities (HAs) with additional time to train their staff, communicate with landlords, and access additional technical assistance from HUD to support the transition to NSPIRE standards. Specifically, HAs continue to face challenges in recruiting and retaining private landlords. Many HAs report experiencing a significant loss in landlord participation and fear that a major change to the inspection processes and standards may exacerbate the problem.

Agencies are encouraged to proceed with implementation as soon as reasonably possible before February 1, 2027. Agencies should notify HUD of the date they intend to transition to NSPIRE via email to: NSPIREV_AlternateInspection@hud.gov, with a courtesy copy to their field office representative. The email's subject line should read "Notification of NSPIRE Implementation, [PHA code]," and the body of the email should include the HA name, HA code, and the date the agency implemented, or plans to implement NPSIRE.

Regardless of implementation date, NSPIRE standards related to the installation of carbon monoxide devices and smoke alarms are statutorily mandated and HUD states that a future notice on these specific standards is coming soon.

The complete Federal Register Notice can be found at: **https://bit.ly/4nwkij5.**

Extension for CPD Programs to October 1, 2026

On September 30, the Department published an extension of the compliance date for NSPIRE for Community Planning and Development (CPD) programs, including Emergency Solutions Grants (ESG), Continuum of Care (CoC), HOME Investment Partnerships Program (HOME), and Housing Trust Fund (HTF), until October 1, 2026. In the notice, HUD encourages any recipients and grantees that are ready to implement NSPIRE to do so at their earliest convenience. However, HUD acknowledges that some types of units funded under the CoC and ESG programs may not meet certain requirements of the NSPIRE standards as they are applied to other HUD programs. The Department intends to publish standards specific to each of these programs prior to the compliance date and to provide a reasonable timeframe for implementation.

The complete notice includes specific compliance instructions for each program (**https://bit.ly/3Kuk7q6**). ■

3. Old Business

A. CONTINUED DISCUSSION REGARDING CONSTRUCTION HOUSE BEING BUILT AT 318 SALTILLO

B. UPDATE TRAINING-ON DEMAND COMMISSIONER TOPICS FOR COMMISSIONERS WITH NELROD. EVERYONE SHOULD HAVE YOUR SIGN IN AND PASSWORD

3.

C. DISCUSS NELROD CONSORTIUM CONFERENCE IN LAS VEGAS IN FEBRUARY25-27,2026.NEED TO HAVE A LIST OF BOARDLMEMBERS THAT WILL BE GOING AT THE NOVEMBER,2025 BOARD MEETING.

26th Annual

The Nelrod Consortium Conference

February 25-27, 2026 | Las Vegas, Nevada

Tentative

AGENDA

Topics & Events subject to change

Wednesday, February 25, 2026

8:00 am:	**Registration Opens**
11:30 am - 1:00 pm:	**Opening Session with Lunch & Entertainment**

1:15 pm - 2:45 pm

C	**First 90 Days as a Commissioner** - *A Practical Approach to Learning Roles & Responsibilities*
E	***Guest Trainer Greg Byrne:*** **Repositioning for Small & Very Small PHAs**
PH	***Guest Trainer Joann Rodriguez:*** **Practical Applications for AI in Housing**
HCV	**Determination of Adjusted Income** - *A Step-by-Step Guide*
F	***Guest Trainer Jason Casterline:*** **Public Housing Financial Updates**
M	**Fair Housing for Maintenance**

Break 2:45 pm - 3:00 pm

3:00 pm - 4:30 pm

C	**First 90 Days as a Commissioner** - *Conducting Effective Board Meetings*
E	***Guest Trainer Greg Byrne:*** **The RAD/Section 18 Construction Blends**
PH	***Guest Trainer Joann Rodriguez:*** **Difference Between Asset Management & Property Management**
HCV	**Determination of Adjusted Income** - *A Step-by-Step Guide Continued*
F	**Public Housing Financial Updates** - *Continued*
M	**Fair Housing for Maintenance** - *Continued*

Thursday, February 26, 2026

Breakfast Served in the Grand Ballroom 7:15 am - 8:15 am

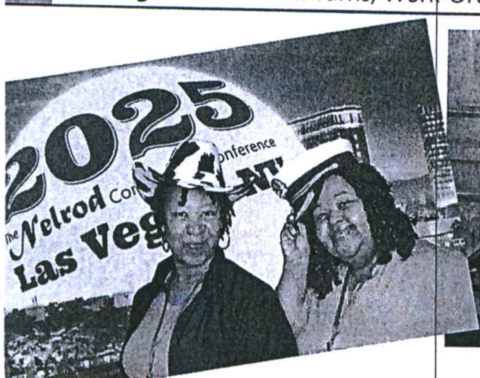
8:30 am - 10:00 am

C	**The PHA Contract with HUD** - *Navigating the ACC*
E	**Management Essentials** - *Starting a Great Team*
PH	**PIC Error Corrections for PH**
HCV	**eVMS & Form HUD-50058** - *Accurate Reporting to Maximize Funding Through eVMS*
F	**Public Housing Financial Updates** - *Continued*
M	**Starting Strong** - *Kicking off a Productive Day*

Break 10:00 am - 10:15 am

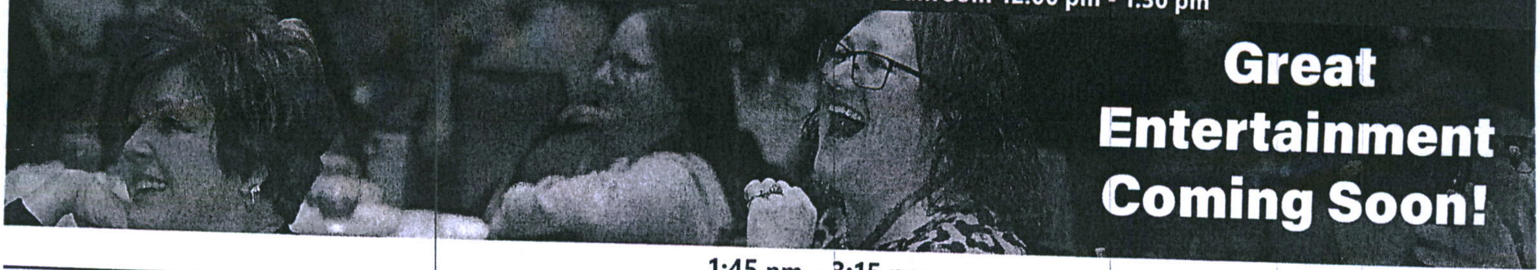
10:15 am – 11:45 am

C	**Key Plans & Policies/Board Policy Decisions**
E	**Management Essentials** - *Starting a Great Team Continued*
PH	**PIC Error Corrections for PH** - *Continued*
HCV	**eVMS & Form HUD-50058** - *Accurate Reporting to Maximize Funding Through eVMS Continued*
F	**Public Housing Financial Updates** - *Continued*
M	**Getting it Done** - *Unit Turns, Work Orders, & Inspections*



Thursday, February 26, 2026

Lunch with Entertainment in the Grand Ballroom 12:00 pm - 1:30 pm



1:45 pm – 3:15 pm

C	**Crisis Management** - *Leading with Clarity, Confidence, & Integrity*
E	**Conflict Resolution** - *Turning Conflict into Collaboration*
PH	**Leveraging HUD Reports for Effective PH Operations**
HCV	**Fair Housing for the HCV Program**
F	***Guest Trainer Jason Casterline:*** **General Interest Financial Updates**
M	**Staying Ahead of the Curve** - *Emergencies, Grounds, & the Unexpected*

Break 3:15 pm - 3:30 pm

3:30 pm – 5:00 pm

C	**Crisis Management** - *Leading with Clarity, Confidence, & Integrity Continued*
E	**Conflict Resolution** - *Turning Conflict into Collaboration Continued*
PH	**Leveraging HUD Reports for Effective PH Operations** - *Continued*
HCV	**Fair Housing for the HCV Program** - *Continued*
F	**General Interest Financial Updates** - *Continued*
M	**Wrapping it Up Right** - *End of the Day Tasks that Set You Up for Tomorrow*

Friday, February 27, 2026

Breakfast Served in the Grand Ballroom 7:15 am - 8:15 am

8:30 am - 10:00 am

C	**Board of Commissioners Scorecard** - *Measuring What Matters for the Board*
E	**HOTMA Scorecard**
PH	**Occupancy / NSPIRE** - *Critical Intersections Between Occupancy Functions & NSPIRE*
HCV	**PIC Error Corrections for HCV**
F	***Guest Trainer Jason Casterline:*** **HCV Financial Updates**
M	**Uniform Federal Accessibility Standards (UFAS)**

Break 10:00 am - 10:15 am

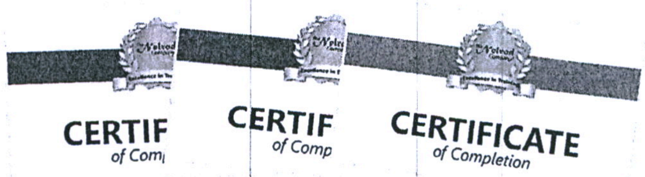
10:15 am - 11:45 am

C	**Waste, Fraud, & Abuse** - *What Commissioners Need to Know*
E	**HOTMA Scorecard** - *Continued*
PH	**Occupancy / NSPIRE** - *Critical Intersections Between Occupancy Functions & NSPIRE Continued*
HCV	**PIC Error Corrections for HCV** - *Continued*
F	**HCV Financial Updates** - *Continued*
M	**Uniform Federal Accessibility Standards (UFAS)** - *Continued*

ist chance to pick-up your Certificate of Completion.
ifter this date, certificates will be delivered to the email provided during registration.)

LEGEND

C	Commissioners	F	Finance
E	Executives	M	Maintenance
PH	Public Housing Operations		
HCV	HCV Operations		



Certificate of Completion will be offered for select sessions

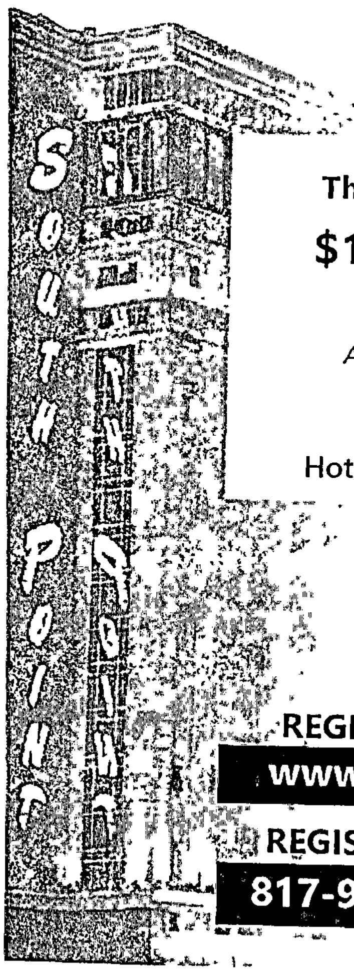
The Training Conference Dedicated to Improving Agency Operations.

AGENCY TRAINING

LIVE ENTERTAINMENT

HANDS-ON TRAINING

CONNECTING with COLLEAGUES



A Great Hotel Package

South Point Hotel - Las Vegas, NV

The Nelrod Consortium Annual Conference guest room package rate:

$125 single or double occupancy *(Sunday – Thursday nights)*

$165 single or double occupancy *(Friday – Saturday nights)*

All rates are subject to resort fee and Clark County room tax, currently at thirteen percent (13%)
Package rate includes scheduled conference meal functions & entertainment.
Discounted resort fee of $18 per night (normally $27 per night)

Hotel Reservations must be received by Monday, February 4, 2026, 5:00 pm (PT)

For Guest Room and
Shuttle Reservations, please call:
866-791-7626
(mention **"The Nelrod Conference"**)

REGISTER ONLINE
www.nelrod.com
REGISTER by PHONE
817-922-9000 x111

Early Bird Registration Rates

Consortium Partners	*(4 or more attendees)*	$549.00
	(1-3 attendees)	$649.00
General Attendees	*(4 or more attendees)*	$649.00
	(1-3 attendees)	$749.00

The Nelrod Company®

Contact us

Nelrod Consortium Annual Conference

Feb. 25-27. 2026

The Nelrod Consortium

26th Annual Conference

Agenda

Early Bird Rates

Consortium Partner Rates

$649 each (1-3 attendees)

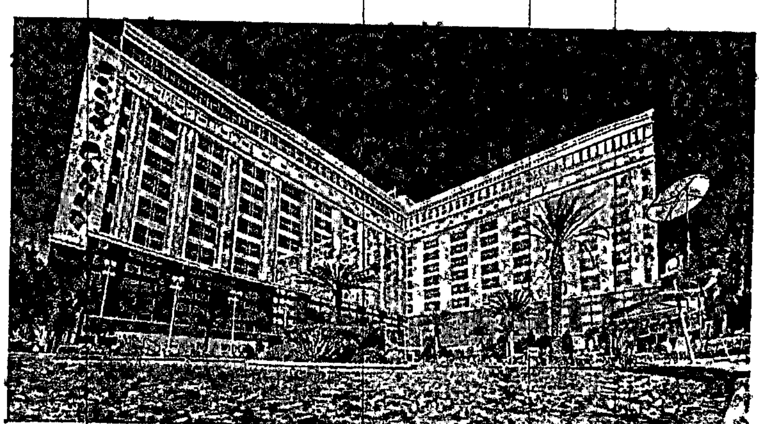
$549 each (4 or more)

General Registration Rates

$749 each (1-3 attendees)

$649 each (4 or more)

South Point Hotel



South Point Hotel

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**An eligible spouse or guest registration must be accompanied by a paid registrant, and not be an employee of a housing agency. Includes access to the conference classes, meals, and activities. Spouse/Guest registration(s) are not an eligible agency expense.*

We accept the following forms of payment:
Purchase Orders from Government Agencies, Checks, Visa, MasterCard and American Express

Register Now!

package/block rate is:

- $125 single/double + $18 discounted resort fee (Sunday-Thursday nights)
- $165 single/double + $18 discounted resort fee (Friday-Saturday nights)

All rates are subject to Clark County room tax, currently at thirteen percent (13%).

Guest room package includes all scheduled conference meals and entertainment.

All reservations must be guaranteed with a credit card deposit for the first night's room and tax. The deposit will be charged upon booking.

Cancellations without penalty are allowed up to 72 hours prior to your scheduled arrival. Cancellations within 72 hours of your scheduled arrival or no-shows will be charged 1st night room and tax.

Hotel Cut-off date is February 4, 2026 at 5:00pm Pacific Time. After this date, rooms will be provided based on availability and prevailing rate.

Book Your Room Now!

Interested in our services? We're here to help!

We want to know your needs exactly so that we can provide the perfect solution. Let us know what you want and we'll do our best to help.

4. Financial/Occupancy Reports for approval – (SEPTEMBER 2025 BEING DELAYED DUE TO END OF FY25.)

5. Director's Report

A. POLICIES (ALL) WORKING PROGRES

6. Commissioner's Report

7. ***EXECUTIVE SESSION:*** *The Board may go into Executive Session (close its meeting to the public) Pursuant to: a. 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer; b. 551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real property; c. 551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee. d. 551.087, Texas Gov't Code, discuss certain economic development negotiations.*

8. **OPEN SESSION: If there is an Executive Session, the Board will return to Open Session for discussion, consideration and possible action of matters discussed in Executive Session.**

9. Adjournment