



Community Development Authority
Housing Division/Planning and Zoning
7525 W. Greenfield Ave.
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414.302.8430
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Proposed Administrative Plan Changes Operational Year 2023

Anticipated Updates & Purpose:

All proposed changes to the City of West Allis Public Housing Authority Administrative Plan are intended to increase lease-up outcomes by utilizing 100% of our FY 2023 Annual Budget Authority. Ultimately creating an outcome, for Housing Assistance Payment (HAP) expense reserves in the Housing Choice Voucher Program to remain between 4% and 6%.

*Below is an outline of these changes effective February 2023. Text amendments shown with ~~strikeout~~ are deletion edits and text in **bold** case are addition edits. All other text shown remains current.*

Chapter 4

APPLICATION, WAITING LIST, AND TENANT SELECTION

4-I.D. PLACEMENT ON THE WAITING LIST

The PHA must review each complete application received and make a preliminary assessment of the family's eligibility. The PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, the PHA must notify the family in writing [24CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

Ineligible for Placement on the Waiting List

PHA Policy

It the PHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, ~~the PHA will send an encrypted electronic communication notification~~ of the ineligibility determination withing 10 business days of receiving a complete application. The notice will specify reasons for ineligibility and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

PHA Policy

It the PHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, ~~the PHA will send an encrypted electronic communication notification~~ **the PHA will send electronic communication through Assistance Check** of the ineligibility determination withing 10 business days of receiving a complete application. The notice will specify reasons for ineligibility and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).



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Eligible for Placement on the Waiting List

PHA Policy

The PHA send electronic communication through Assistance Check an encrypted electronic communication notification of the prelim eligibility determination with 10 business days of receiving a complete application. Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list. ~~Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and the dated and time their completed application is received by the PHA.~~

Applicants will be placed on the waiting list using a two-step process: 1) a completed application is received by the PHA; and 2) each application will be placed on the waitlist by lottery system. Once each application has been randomly assigned a number, applications will be placed on the waiting list in order of assigned number according to the PHA preference(s).

The lottery system will select form the received applications the numbers necessary to ensure that the PHA has enough applications on the waiting list to use the Housing Choice Voucher resources it has been allotted.



4-II.C. OPENING AND CLOSING THE WAITLIST [24 CRF 982.206]

Closing the Waiting List

A PHA is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, the PHA may elect to continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

PHA Policy

The PHA will close the waiting list 48 hours after the application first becomes available. Where the PHA has particular preferences or funding criteria that require a specific category of family, the PHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

PHA Policy

The PHA elects to continually accept applications by referral year-round from the populations of fostering youth initiative and the homeless. The fostering youth initiative will be referred by the Milwaukee County Public Child Welfare Agency (PCWA) and the homeless will be referred by Milwaukee County Continuum of Care (COC).

In addition to the Continuum of Care, the utilization of the Homeless Management Information System (HMIS) will also serve as positive verification of homeless individuals and families.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until the PHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.



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PHA Policy

The PHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

The PHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- The Spanish Journal
- The City of West Allis website
- Local government access cable channel
- Social Media sites – Facebook, Twitter and Instagram.

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

PHA Policy

The PHA will use the following local preferences:

~~The PHA will offer a preference for a family whose head of household is **elderly**.~~

~~*Elderly will be verified by birth certificate.*~~

~~The PHA will offer a preference for a family who is **homeless**, as defined by HUD.~~

~~*PHA will use Homeless Management Information System as its form of verification. You must be homeless at time of application and at the time selected from the wait list.*~~

~~The PHA will offer a preference for a family that includes a family member who is a person with **disabilities**, as defined by HUD.~~

~~*Verification of a person with a disability will follow HUD's guidelines in CFR 5.403 and may require a letter from a knowledgeable professional source*~~

~~The PHA will offer a preference for **veterans** or surviving spouses of veterans.~~



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~~Family member is defined in CFR 5.403. DD214 will be used to verify veteran status.~~

The PHA will offer a preference to **families who reside in the City of West Allis.**

~~Applicant must provide proof of residency, employment or full-time student status at time of application. Verification method will be by utility bill, lease, pay stub or letter from college verifying attendance.~~

1. The PHA will offer a preference for a family who is homeless, as defined by HUD.

PHA will use the referral services of the Milwaukee County Continuum of Care to place homeless persons in permanent housing. In addition to the Continuum of Care the Homeless Management Information System will be a secondary form of verification of homeless status. The applicant must be homeless at time of application and at the time selected from the wait list.

2. The PHA will offer a preference for a family who is fostering youth initiative, as defined by HUD.

PHA will use the Milwaukee County Public Child Welfare Agency (PCWA) as a partner to administer the Fostering Youth Initiative (FYI) in conjunction with the Housing Choice Voucher Program (HCV). Initial determination of the youth meeting eligibility requirements, will be made by the (PCWA), who will certify that the youth is eligible, then refers youths to the PHA. Once the (PCWA) makes the referral, the PHA places the (FYI) applicant on its HCV waiting list and determines whether the youth meets HCV program eligibility requirements, including income eligibility. The PHA conducts all other processes relating to voucher issuance and administration at the time of application and at the time of selection from the waitlist.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during the PHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher. To ensure this requirement is met, a PHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low-income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

PHA Policy

The PHA will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.



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Order of Selection

The PHA system of preferences may select families based on local preferences according to the date and time of application or by a random selection process (lottery) [24 CFR 982.207(c)]. If a PHA does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

PHA Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with the PHA's hierarchy of preferences, if applicable. Within each targeted funding or preference category, families will be selected in numerical order based on the numbers that were assigned to each application, by lottery, at the time applications were placed on the waiting list.

Documentation will be maintained by the PHA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so that the PHA does not have to ask higher placed families each time targeted selections are made.

Chapter 6 INCOME AND SUBSIDY DETERMINATIONS

6-III.C. APPLYING PAYMENT STANDARDS [24 CFR 982.505; 982.503(b)]

Overview

The PHA's schedule of payment standards is used to calculate housing assistance payments for HCV families. This section covers the application of the PHA's payment standards. The establishment and revision of the PHA's payment standard schedule are covered in Chapter 16.

Payment standard is defined as "the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)" [24 CFR 982.4(b)].

The payment standard for a family is the lower of (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under the PHA's subsidy standards [24 CFR 982.4(b)], or (2) the payment standard for the size of the dwelling unit rented by the family.

If the PHA has established an exception payment standard for a designated part of a zip code area or FMR area and a family's unit is located in the exception area, the PHA must use the appropriate payment standard for the exception area.

The PHA is required to pay a monthly housing assistance payment (HAP) for a family that is the lower of (1) the payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.



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If during the term of the HAP contract for a family's unit, the owner lowers the rent, the PHA will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit [HCV GB, p. 7-8].

Changes in Payment Standards

When the PHA revises its payment standards during the term of the HAP contract for a family's unit, it will apply the new payment standards in accordance with HUD regulations.

Decreases

If a PHA changes its payment standard schedule, resulting in a lower payment standard amount, during the term of a HAP contract, the PHA is not required to reduce the payment standard used to calculate subsidy for families under HAP contract as long as the HAP contract remains in effect [FR Notice 11/16/16].

However, if the PHA does choose to reduce the payment standard for families currently under HAP contract, the initial reduction to the payment standard may not be applied any earlier than the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard amount. At that point, the PHA may either reduce the payment standard to the current amount in effect on the PHA's payment standard schedule, or may reduce the payment standard to another amount that is higher than the normally applicable amount on the schedule. The PHA may also establish different policies for designated areas within their jurisdiction (e.g., different zip code areas).

In any case, the PHA must provide the family with at least 12 months' notice that the payment standard is being reduced before the effective date of the change. The PHA's policy on decreases in the payment standard during the term of the HAP contract apply to all families under HAP contract at the time of the effective date of the decrease in the payment standard within the designated area.

PHA Policy

If a PHA changes its payment standard schedule resulting in a lower payment standard amount, during the term of a HAP contract, the PHA will not reduce the payment standard used to calculate subsidy for families under HAP contract as long as the HAP contract remains in effect. The PHA will not establish different policies for decreases in the payment standard for designated areas within their jurisdiction.

Increases

If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard. Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7-8].

PHA Policy

The PHA elects to advantage HUD Voucher Tenancy: New Payment Standard Amount, Regulation 982.503(b), which states PHAs may establish payment standards from 111 to 120 percent of the applicable FMR for FY 2023. PHAs must revert to the basic range for FY 2024 FMRs unless the PHA requests and HUD approves an additional exception payment standard waiver under 24 CFR 5.110 or 24 CFR 982.503, as applicable.



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CHAPTER 7 VERIFICATION

7.II.H. VERIFICATION OF PREFERENCE STATUS

The PHA must verify any preferences claimed by an applicant that determined placement on the waiting list.

PHA Policy

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~~The PHA will offer a preference for **veterans** or surviving spouses of veterans. Family member is defined in CFR 5.403. DD214 will be used to verify veteran status.~~

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Chapter 9
GENERAL LEASING POLICES

9-I.E. LEASE AND TENANCY ADDENDUM

The family and the owner must execute a written dwelling lease agreement for the assisted unit. This written lease is a contract between the tenant family and the owner; the PHA is not a party to this contract.

The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner [24 CFR 982.308(a)]

Lease Form and Tenancy Addendum [24 CFR 982.308]

If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease for the assisted tenants is in such standard form.

All provisions in the HUD-required Tenancy Addendum must be added word-for-word to the owner's standard lease form. The Tenancy Addendum includes the HUD requirements for the tenancy. Because it is a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

PHA Policy

The PHA does not provide a model or standard dwelling lease for owners to use in the HCV program.

Lease Information [24 CFR 982.308(d)]

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner



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- A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family

Security Deposit [24 CFR 982.313 (a) and (b)]

The owner may collect a security deposit from the tenant. The PHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. However, if the PHA chooses to do so, language to this effect must be added to Part A of the HAP contract [Form HUD-52641].

PHA Policy

The PHA will allow the owner to collect any security deposit amount the owner determines is appropriate. Therefore, no modifications to the HAP contract will be necessary.

PHA Policy

The PHA may offer a leasing incentive to participating landlords providing a monetary lease-up bonus during any calendar month of any operational year. This monetary lease-up incentive may be offered to participating landlords at a rate of up to \$300. All lease up incentives will be afforded by the PHA's Administrative fees, and the incentive program may be severed/discontinued by the PHA without notice, and subject, but not limited to, budgetary constraints and/or the PHA's determination at its sole discretion of the performance of the program.

Separate Non-Lease Agreements between Owner and Tenant

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner as approved by the PHA minus the PHA's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

PHA Policy

The PHA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any items, appliances, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.



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The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

PHA Review of Lease

The PHA will review the dwelling lease for compliance with all applicable requirements.

PHA Policy

If the dwelling lease is incomplete or incorrect, the PHA will notify the family and the owner of the deficiencies. Missing and corrected lease information will only be accepted as hard copies, in-person, by mail, by email, or by fax. The PHA will not accept missing and corrected information over the phone.

Because the initial leasing process is time-sensitive, the PHA will attempt to communicate with the owner and family by phone, fax, or encrypted electronic communication. The PHA will use mail when the parties can't be reached by phone, fax, or encrypted electronic communication.

The PHA is permitted, but is not required, to review the lease to determine if the lease complies with State and local law and is permitted to decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law [24 CFR 982.308(c)]

PHA Policy

The PHA will not review the owner's lease for compliance with state/local law.