

MTW Safe Harbor Waiver Request

Harrisonburg Redevelopment and Housing Authority – VA014

HRHA requests a Safe Harbor Waiver for the following group of MTW activities.

1. Tenant Rent Policies

The agency is authorized to adopt and implement the activities listed below for setting tenant rents in public housing, including but not limited to establishing definitions of income and adjusted income that differ from those in the current 1937 Act and its implementing regulations. The agency is authorized to adopt and implement the activities listed below to establish total tenant payments (TTP) in the HCV program, and/or tenant rents for tenant-based and project-based voucher (PBV) assistance that differ from the currently mandated program requirements in the 1937 Act and its implementing regulations. The agency is authorized to adopt and implement the activities listed below to calculate the tenant portion of the rent in a way that differs from the currently mandated program requirements in the 1937 Act and its implementing regulations. The agency must determine initial eligibility in accordance with 24 CFR 5.609 and must comply with section 3(b)(2) of the United States Housing Act of 1937 Act (1937 Act) (42 U.S.C. § 1437). For voucher activities, the Department has developed a standard rider to the HAP contract that reflects any MTW authorizations that amend the current requirements of the HAP contract.

1f Minimum Rent. Increase minimum rent to \$100 for all non-elderly, non-disabled households.

Statutes and Regulations Waived

Minimum Rent (HCV) - Certain provisions of sections 3(a)(3)(A) and 8(o)(2)(A)-(C) of the Act and 24 CFR 5.628 and 5.630.

Safe Harbors

- i. Minimum rent must not exceed \$130 per month.
- ii. Agency must exclude elderly and disabled families from rent policy.
- iii. Agency must conduct an impact analysis. *
- iv. Agency must implement a hardship policy. *

1h Total Tenant Payment. Increase total tenant payment to **35 percent of income** for all non-elderly, non-disabled households.

Statutes and Regulations Waived

Tenant Payment as a Modified Percentage of Income (HCV) - Certain provisions of sections 3(b)(4)-(5) and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.609, 5.611, and 982.516.households.

Safe Harbors

1.g. and 1.h. i. The Tenant Payment in public housing and the Tenant Payment in HCV must not exceed 32% of income for non-elderly/non-disabled families if the agency is utilizing flexibility under activities 1.r., 1.t. and/or 1.v. (for 1.g.) or 1.s., 1.u. and/or 1.w. (for 1.h.).

ii. The Tenant Payment in public housing and the Tenant Payment in HCV must not exceed 35% of income for non-elderly/non-disabled families if the agency is not utilizing flexibility under activities 1.r., 1.t. and/or 1.v. (for 1.g.) or 1.s., 1.u. and/or 1.w. (for 1.h.).

iii. Agency must exempt elderly and disabled families from rent policy.

iv. Agency must conduct an impact analysis. *

v. Agency must implement a hardship policy. *

1s Elimination of Deductions. Eliminate expense deductions for unreimbursed child care expenses for non-elderly/non-disabled households.

Statutes and Regulations Waived

Elimination of Deduction(s) (HCV) - Certain provisions of sections 3(a)(1), 3(b)(4)-(5) and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.611, and 982.516.

Safe Harbors

1.r. and 1.s. i. Agency must conduct an impact analysis. *

ii. Agency must exempt elderly and disabled families from rent policy. *

iii. Agency must implement a hardship policy. *

1w Alternate Income Inclusions/Exclusions (HCV). Exclude student income of all types over tuition for students of all ages. Exclude all wage income for household members age 20 and below. Count all wage income for household members 21 and older. Applies to all non-elderly, non-disabled households.

Statutes and Regulations Waived

Alternative Income Inclusions/Exclusions (HCV) - Certain provisions of sections 3(a)(1), 3(b)(4)-(5), and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.609, 5.611, and 982.516.

Safe Harbors

1.v. and 1.w. i. Agency must exempt elderly and disabled individuals from this rent determination policy.

Requested Waiver and Explanation

Total tenant payment request is **35 percent of household income using flexibilities under 1s and 1w**, which is outside the Safe Harbor maximum of 32 percent. Hardship policy is in place for households who face rent burden.

HRHA believes this total package of changes is necessary to achieve maximum staff efficiency and cost effectiveness under MTW flexibilities. The combination of changes encourages employment and self-sufficiency without significantly increasing overall costs for households. These simplifications make rent calculations more understandable for tenants. The changes save tenants' time and in many cases lower costs. Decreased staff paperwork allows more time to work with tenants, explore new projects, or participate in training in possible new areas or expanded services. Simplified paperwork also benefits landlords by determining household eligibility more quickly.

See Impact Analysis and Hardship Policy attached.