CONSORTIUM FOR CITIZENS WITH DISABILITIES

March 6, 2015

Electronic submission to www.regulations.gov

Regulations Division, Office of General Counsel
U.S. Department of Housing and Urban Development
451 Seventh Street SW, Room 10276
Washington, DC 20410-0500

Re: Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Program
Docket No. FR-5743-P-01

To Whom It May Concern:

INTRODUCTION

Thank you for the opportunity to comment on the proposed Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Program. *See,* 80 Fed. Reg. 3 (January 6, 2015). Please accept this letter as the comments of the Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Housing Task Force. CCD is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the 57 million children and adults with disabilities and their families living in the United States. CCD advocates for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Earned Income Disregard *§5.617, §574.305, §960.255*
Currently, the Earned Income Disregard (EID) is available to tenants in HCV, PH and CPD Programs for a total of 24 months, but those months can be spread across 48 months to account for intermittent job losses. In addition, PHAs and owners are required to fully exclude income for the first 12 months of EID, and to exclude only 50 percent for the last 12 months.

HUD proposes to retain the current framework for the earned income disregard (EID) for the HOPWA program tenants only. For the Housing Choice Voucher (HCV), Public Housing (PH) and other Continuum of Care (CoC) Programs, HUD proposes to limit the EID to 24 consecutive months from the date that a participant qualifies for the EID for all other programs. The proposed rule would maintain the full exclusion for the first 12-month period, provided the eligible family member remains continually employed for such period. For the second 12-month period, the rule would provide PHAs with the discretion to phase in a rent increase, disregarding not less than 50 percent of the excluded amount in determining a family's rent, but again only if the eligible family member remains continually employed. After the expiration of the consecutive 24-month period during which a family has remained continually employed, the EID would terminate.

Recommendation
CCD opposes this proposed change for a number of reasons. First, HOPWA is not the only permanent supportive housing program in which a 100% of tenant households have disabilities. For example, all CoC Program funded permanent supportive housing projects require that at least one family member in the household have a disability. This includes CoC Program funding for: new construction, rehabilitation, acquisition, leasing, operations and rental assistance. It does not seem reasonable for one disability group to maintain this benefit when others do not.

Second, many people with disabilities in the non-HOPWA Programs desire to work but may be unable to sustain work and significantly benefit from the 48 month time period. Persons with episodic disabilities such as certain mental illnesses, for example, or veterans with PTSD may enter the work force only to have their symptoms reoccur and have to leave for a period of time.

Third, any change diminishing the incentive of the EID is inconsistent with other Administration programs and policies aimed at helping people with disabilities return to work. SSDI recipients have nine trial work months every five years in which to test their ability to work, yet remain eligible for cash benefits. Under section 1619 (b) of the Social Security Act, Medicare coverage can continue for up to 93 months after the date of hire. In addition, SSA work incentive programs such as the Plan to Achieve Self Support (PASS) and the Ticket to Work allow beneficiaries to keep medical benefits until their earnings and benefits are sufficient to cover their expenses. The Administration's FY16 Budget re-proposes to provide SSA and partner agencies with authority to test innovative techniques to help people with disabilities remain in the workforce. In addition to providing new authority to test early interventions, the Budget also re-proposes reauthorization of SSA's demonstration authority for the Disability Insurance (DI) program, allowing SSA to continue to test effective ways to boost employment and support current DI and SSI beneficiaries who are seeking to return to work.

HUD data (Picture of Subsidized Housing, 2013) indicates that only 28% of HCV and PH households have wages as a significant source of income, 20% of all tenants have a disability and 36% of households age 61 or under have a head or spouse with a disability. This proposal would mean that many HCV and PH households would be denied maximum utilization of EID because of periods of unemployment that are not within their ability to control or prevent. The goal of self sufficiency is shared across agencies. HUD policy should be consistent with other Administrative policies and be as conducive to work as possible. Therefore, EID policy should not be modified for any PIH or CPD programs.

Start of Assisted Tenancy *§982.309*
In the HCV Program, HUD proposes to allow PHAs to limit move-ins to certain days of the month, such as the first day of the month.

Recommendation
Although we understand the efficiencies this would achieve for PHAs, the CCD Housing Task Force is very concerned that this policy will limit access to the HCV Program for people who are homeless and those leaving institutions and undermine HUD's goals of ending homelessness and enforcing Olmstead. Under PATH, Street Outreach and Housing First models, for example, local service providers are

continuously working to engage chronically homeless individuals. Once these individuals are ready to "come inside", case managers move quickly on housing opportunities. Policies that might mean waiting another three weeks for a voucher will make this transition even more difficult. People with disabilities seeking to transition out of institutions also face innumerable barriers. Once these individuals are able to put security deposit, community-based support services, move-in assistance and other necessary assistance together, they need to move swiftly in order to ensure no critical support falls through. The CCD Housing Task Force recommends against this regulatory option.

Finally, if this proposal creates such great efficiencies, why is it proposed only for the Voucher Program and not the PHA's Public Housing Programs.

Utility Payment Schedules § 982.517
HUD's current HCV regulations require PHAs to establish a utility allowance based on size and type of units in a given locality. HUD proposes to require that the allowance be based on the size of the unit and either the type of the unit, as is currently required, or a streamlined version of ''unit type,'' limited to "'attached'' or ''detached.'' For any family that would face a lower utility allowance because of this change to the schedule, the PHA must provide at least 60 days' notice before the revised utility allowance schedule may go into effect.

Recommendation
If HUD chooses to move forward with this change, 60 days notice to tenants who are responsible for payment of their utilities is not sufficient to protect households with fixed incomes who face lower utility allowances. We recommend HUD to allow tenants to be held harmless until the end of their lease term, when they will have the choice to move to another housing situation.

Verification of Social Security Numbers *§* 5.216
Across HCV, PH and Multifamily Housing (MFH) HUD proposes to align the requirements across applicant and participant households with respect to new household members under the age of 6 years who lack SSNs. Specifically, HUD proposes to authorize applicant households to become program participants even if a child under the age of 6 years is added to the household within the 6-month period prior to the household's date of admission and that child has not yet been issued an SSN. The household would have 90 days from the date of move-in to provide the documentation evidencing issuance of an SSN. As is the case with program participants, an extension of one 90-day period would be required for assistance applicants under certain circumstances.

Recommendation
The CCD Housing Task Force is supportive of this recommendation but suggests that HUD consider broadening it further. HUD has provided waivers of this regulation in the past to allow PHAs to house homeless individuals who were not able to provide documentation of their SSN; they were allowed 90 days to provide such documentation. Such an accommodation will assist HUD in meeting its goal of ending homelessness.

Streamlined Annual Reexaminations for Families on Fixed Incomes *§5.657, §960.257, §982.516*
HUD proposes to simplify the requirements associated with determining the annual income of families on fixed incomes by allowing PHAs and owners (HCV, PH, MFH Programs) to opt to conduct a

streamlined annual reexamination of income for families when 100 percent of the family's income consists of fixed income sources.

Recommendation
The CCD Housing Task Force strongly supports this proposed modification of the regulations. For many people with disabilities, the task of securing third party documentation of their SSI or SSDI benefit is a time consuming and difficult task. Not only does this change create efficiencies for PHAs and owners, streamlining annual reexaminations is a positive step benefitting tenants with disabilities.

Exception Payment Standards for Providing Reasonable Accommodations *§982.503, §982.505*
Current HCV regulations require a PHA to request a waiver from a HUD Field Office for an exception payment standard above 110 percent of the fair market rent (FMR) to provide a reasonable accommodation for a family that includes a person with a disability. This process takes considerable administrative time for the PHA and, in some cases, the processing time for the waiver prevents the family from leasing the unit.

HUD proposes to allow PHAs to approve, if they so choose, a payment standard of not more than 120 percent of the FMR without HUD approval if required as a reasonable accommodation for a family that includes a person with a disability.

Recommendation
The CCD Housing Task Force is strongly supportive of this proposed change. CCD has been advocating since 1999 for this long overdue change. We agree that requiring Field Office approval can take a considerable period of time, resulting in more extensive periods of homelessness or institutionalization, and sometimes preventing lease-up because the owner is unable to keep the unit available during the waiting period.

Family Declaration of Assets Under $5,000 *§960.259, §982.516*
Families are required to report all assets annually. For the HCV and PH programs, HUD proposes that, for a family that has net assets equal to or less than $5,000, a PHA, at both admission and recertification, may accept a family's declaration that it has net assets equal to or less than $5,000, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount will be included in the family's income.

Recommendation
The CCD Housing Task Force strongly supports this proposed modification of the regulations. This change would benefit both tenants and PHAs.

CONCLUSION

In closing, thank you for the opportunity to comment on the proposed Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Program. *See,* 80 Fed. Reg. 3 (January 6, 2015).

Sincerely,

Andrew Sperling, National Alliance on Mental Illness
Co-Chair, CCD Housing Task Force

TJ Sutcliffe, The Arc of the United States
Co-Chair, CCD Housing Task Force