



CITY OF ALBUQUERQUE

# HOME Tenant Based Rental Assistance (TBRA) Policies & Procedures

Department of Family and Community  
Services

*Table of Contents*

*Page*

---

Program Description and Intended Use	2
Outreach and Marketing	2
Tenant Selection Policy	3
Waiting List	4
Occupancy Standards	4
Housing Search and Rental Policy	5
Rent Calculation Policy	7
Utility Payment Policy	8
Late Fee Policy	8
Termination of Voucher	8
Special Circumstances	9
Grievance Policy	9
Monitoring	9
Additional Information and Comments	12

**CITY OF ALBUQUERQUE**  
**HOME Tenant Based Rental Assistance**  
**Policies and Procedures**

**Program Description and Intended Use**

In accordance with its 2013-2017 Consolidated Plan, the City of Albuquerque has determined that its funding of Tenant Based Rental Assistance (TBRA) is a priority use of its HOME Investment Partnerships Program entitlement funds. Therefore, it has chosen to fund non-profit housing providers (Subrecipients) to administer TBRA Programs. These Subrecipient's TBRA activities will be included in the City's Annual Action Plan and shall be contracted to carry out TBRA for a specified term, as indicated in each contract.

The City's TBRA Programs are designed to assist eligible applicants to choose and lease safe, decent, and affordable housing in the privately-owned rental market throughout Albuquerque.

The purpose of this document is to provide general guidelines for City of Albuquerque TBRA Programs. Further information regarding HUD regulations related to HOME TBRA can be found at 24 CFR 92.

**Outreach and Marketing Plan**

Identify Potential Tenants

Referrals for TBRA Vouchers will be identified through these referring agencies: Albuquerque Heading Home Initiative, Albuquerque Health Care for the Homeless, St. Martin's Hospitality Center, NM VA Health Care System, Transitional Living Services, UNM Psychiatric Center and/or others as identified. Each Subrecipient contract will specify the referring agency to be used.

The referral base may be broadened to include other agencies providing case management services, emergency shelters, and the Albuquerque Police Department Crisis Intervention Team as funding allows.

The Subrecipients shall develop and implement a marketing plan to identify potential properties available. Once identified, a database containing information pertaining to properties that are most likely to participate in TBRA programs should be maintained.

## **Tenant Selection Policy**

It is the priority of the City of Albuquerque to provide housing through a variety of TBRA programs in a fair and consistent manner. Because demand for the limited number of units routinely exceeds existing supply, Subrecipients must maintain a waiting list of interested applicants.

1. Subrecipients shall income qualify applicants as low or very low income in accordance to HUD established income thresholds for the Albuquerque metro area.
2. Subrecipients must ensure that no less than 90 percent of the households receiving rental assistance are households whose annual incomes do not exceed 60 percent of the area median income, as per 24 CFR 92.216 (a)(1).
3. Subrecipients shall use COA-approved referral base for referrals.
4. Subrecipients shall ensure that qualified applicants are 18 years of age or older.
5. Subrecipients shall comply with Federal Fair Housing Laws and the State of NM Landlord Tenant relations Act.
6. If tenant eligibility is based upon homelessness, Subrecipients must have written documentation in tenant files indicating that the tenant is in fact homeless. Acceptable documentation includes one of the following:
  - HMIS street outreach service record
  - Homeless Certification from local law office, shelter or emergency medical service agency. ( On agency letterhead.)
  - Self-Certification supported by other documentation when practical.

## **Waiting List Policy**

Subrecipients shall maintain a waiting list for each Tenant Based Rental Assistance (TBRA) program. Subrecipients should develop a Waiting List Policy in accordance with the Policies and Procedures of the agency and its specific TBRA program.

## **Occupancy Standards Policy**

The Subrecipient shall establish Occupancy Standards policy for its TBRA program that is substantially similar to the standards listed below.

A bedroom can be shared as follows:

- 2 adults (married or domestic partners)
- 2 adults + 1 child under one year of age
- 1 adult + 1 child under one year of age

A child over one years of age will have his/her own bedroom separate from an adult but may share with another child.

If there are two children, they will share a bedroom regardless of gender, until the oldest turns ten (10) years of age. No more than 2 children will share a bedroom.

A living room may be used as a sleeping room providing the room meets HQS standards for use as a sleeping room.

In cases where family composition changes, the family will be moved to a suitable apartment at the end of the lease.

A roommate is an adult who would normally not be part of the tenant's household except for his/her desire to share a housing unit. A spouse or domestic partner is not considered a roommate.

The tenant may have an adult roommate with the following stipulations:

- Roommate must have income and provide proof of income in like manner as qualifying tenant.
- Roommate must pay for and agree to a criminal background check and be approved for residency by Subrecipient and the landlord.
- Roommate must abide by all Subrecipient program rules and landlord/property rules and regulations.
- If the qualifying tenant moves out or is evicted, the voucher will terminate immediately. The roommate may negotiate a new lease with the landlord at his/her expense.
- In the event that a healthcare professional certifies that a resident require a live-in-aide, the live-in aide must be screened prior to moving into the unit.

Live-In-Aide is defined as:

A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who: (a) Is determined to be essential to the care and wellbeing of the person(s); (b) Is not obligated for the support of the person(s); and (c) Would not be living in the unit except to provide the necessary supportive services.

A relative may be considered to be live-in aide if they meet the requirements in 1, above, especially 1 (c).

An adult child is not eligible to move into TBRA unit after initial occupancy unless they are performing the functions of a live-in aide and are eligible to be classified as a live-in aide for eligibility purposes.

## **Housing Search and Rental Policy**

Tenant Based Rental Assistance (TBRA) programs are designed to quickly identify and rent a suitable apartment for the applicant.

### Housing Choice

The applicant is free to choose an apartment or home that is safe, sanitary and secure, located in a convenient area within the city limits of Albuquerque that meets the HUD Fair Market Rental guidelines for size and cost.

### Identifying an Apartment

Subrecipient will recommend several housing options for the tenant according to preferences as stated by the applicant in his/her application.

Preferences may be:

- Location
  - Close to school, employment, family, support network
  - Bus routes
  - General area of town
- Type of housing
  - Large complex
  - Duplex or smaller complex
  - Single family house
- Other factors that may determine Subrecipient recommendation include:
  - Criminal Background
  - Household Composition
  - Rental History

The tenant will be instructed to visit the apartment of their choice. Subrecipient staff will offer to accompany the applicant. Subrecipients reserve the right to exclude properties from participation in its TBRA programs. The tenant may not choose from a property that is excluded from participation.

Once an apartment is chosen, the tenant will complete an application form provided by the landlord. In most cases, Subrecipients may pay the application fee. Subrecipients will pay only one fee at a time, therefore the tenant can submit only one application at a time.

If the tenant is approved for residency, Subrecipients will conduct an initial HQS inspection and attempt to sign a lease within one week of approval. Prior to lease signing Subrecipients must ensure that the chosen unit's rent is reasonable in relation to rents charged for comparable unassisted units. Subrecipients must complete a rent reasonableness form and include it in the tenant's file. (24 CFR 92.209(f))

If the tenant is denied, the process must begin again.

Subrecipient's staff will accompany the tenant at the lease signing.

Subrecipients will pay leasing fees in accordance with TBRA funding requirements.

Subrecipients will not pay the application fee or security deposit for a tenant moving within a TBRA program. (Exceptions will be made on a case-by-case basis)

### **Lease Policy**

Tenants must enter into a City approved lease. City approved leases must address the following: term not less than one year, non-payment of rent, late fees

Subrecipients must ensure that each tenant file contains a current, executed lease between tenant and landlord.

### **Rent Calculation Policy**

Subrecipients will use the HUD Occupancy Requirements of Subsidized Multifamily Housing Program (Handbook 4350.3) to determine income eligibility and rent computation.

The HUD Resident Rent Calculation Worksheet is used to calculate the tenant portion of rent.

Subrecipients must ensure that a tenant's minimum contribution to the rent is 30 percent of their gross monthly income. (24 CFR 92.209(h)(2))

#### **Initial Rent Calculation**

The tenant's rent is calculated as soon as the tenant is accepted into the TBRA program.

#### **TBRA Policy and Procedures**

Subrecipients must require the tenant to provide proof of income. In the case of employment income the tenant must provide no fewer than four (4) pay stubs. Income verification documents must be current within 60 days.

### Change of income

A tenant's income may change for the following reasons:

- New recipient of public benefits
- New employment income
- Increase or decrease of employment income
- Decrease of public benefits
- Annual increase in public benefits
- Suspension of Public Benefits\*\*

\*\*In the case of a cost of living increase in public benefits, the rent calculation will be made at the tenant's annual certification meeting.

Tenant must provide proof of new income within 30 days of change. Subrecipients will calculate rent and provide tenant with 30-day written notification of new rent charge.

When a tenant fails to provide proof of income within 30 days of income change, the tenant will be charged back rent (in the case of an increase in rent). If income decreased and the tenant failed to report the decrease, the rent change will take effect at the beginning of the next rental period.

### **Utility Payment Policy**

A tenant's monthly gross income will determine how utility expenses are paid.

When a tenant's monthly gross income is \$0.00 to \$599.00 Subrecipients will establish utility accounts under the Subrecipient. (see Leasing Fee Guidelines)

When a tenant's monthly gross income is \$600.00 or more, the tenant will be responsible for utility bills as stipulated in the lease. Subrecipients will reduce the tenant's monthly rent by an amount equal to the utility allowance established by the Albuquerque Housing Services.

When a tenant's income exceeds \$600.00 the tenant will have no more than one month to establish utility accounts in his/her name. Subrecipients will close its accounts at that time.



Once a tenant puts the utility accounts in his/her name, utility payments will be the tenant's responsibility regardless of income level.

### **Late Fee Policy**

#### Late Fee Charges

Late fees will be charged in accordance with tenant leases.

### **Termination of Voucher Policy**

The Subrecipients may terminate a TBRA voucher for any of a number of reasons as listed below. Subrecipients will inform the tenant and landlord of the termination with a 30-day written notice except in the event of a legal eviction.

#### Abandonment

A voucher will terminate if the tenant abandons the apartment for a period of 7 days during which time rent is due without notifying Subrecipient of his/her absence.

A voucher will terminate if the tenant is absent from the apartment for a period of time exceeding 60 days due to hospitalization or incarceration.

#### Failure to Complete Annual or Interim Certification

A voucher will terminate if the tenant (HOH) fails to attend Annual or Interim Certification appointments. Tenant will be notified in writing 3 times to provide documents, after which a 30-day notice to terminate voucher will be issued.

#### Legal Eviction

A voucher may terminate immediately upon legal eviction.

#### HQS Non-Compliance

A voucher will terminate if the tenant fails to allow Subrecipients to conduct a scheduled inspection, either by outright refusing the inspection or by not being home for the inspection. (6 months or annual). Subrecipients will make 3 attempts to conduct the inspection. A letter informing the tenant of the scheduled inspection will be sent at least one week prior to the inspection. A copy of said letter will be sent to the landlord and to the tenant's community support worker (CSW) or Case Manager.

A voucher will terminate if the tenant's apartment fails 3 consecutive inspections. It is the tenant's responsibility to inform the landlord of needed repairs and to allow the

#### TBRA Policy and Procedures

landlord access to the apartment to make repairs in a timely fashion. Subrecipients will send the tenant an inspection follow-up letter detailing why the inspection failed. The letter will inform the tenant of the date and time of the follow-up inspection.

### Income Ineligibility

A voucher will terminate should a tenant's income exceed the limit set by HUD standards for the Albuquerque metropolitan area. The tenant may remain in the leased unit at his/her expense, subject to landlord policy.

### Non-Payment of Rent

Subrecipients will ensure that participating landlords comply with enforcement of the lease for non-payment of rent. A voucher may be terminated for non-payment of the tenant's portion of rent. Furthermore, Subrecipients will ensure that participating landlords issue a 3-day notice for past due rent each month rent is not paid. When a tenant's balance exceeds two months' rent or occupancy fee, the 3-day notice will be hand-delivered and posted on the unit door. If the balance is not paid in full by the end of the 2<sup>nd</sup> month, a 30-day notice to terminate the voucher will be issued. A copy of the 30 day notice will be sent to the landlord and to the community support worker. If after 30 days the balance is not paid in full, the voucher may be terminated.

Subrecipients will make every effort possible to assist the tenant in making a payment arrangement and/or to secure the assistance of a Representative Payee Service.

### Failure to Report Income

A voucher may be terminated if the tenant fails to report a change in income according to the Rent Calculation Policy. In most cases rent will be re-computed and a written payment plan will be placed in tenant's file. If it is determined the tenant has knowingly failed to disclose an income source, the voucher may be terminated.

### Lease violation

The Subrecipients voucher may terminate due to certain lease violations. If a tenant receives a 3-day substantial violation or two 7-day notices within a six month period of time the Subrecipient's staff will review documentation in consultation with the tenant and the landlord. A decision to terminate the voucher will be made on a case-by-case basis according to the findings of the Subrecipient.

Likewise, if a tenant breaks the lease or if the lease is not renewed due to alleged violations the voucher may terminate. Again, this matter will be reviewed on a case-by-case basis.

## Receipt of Other Form of Rental Assistance – Acceptance of Voucher

The Subrecipients voucher will terminate immediately upon a tenant's transfer to a Section 8 voucher or another form of Rental Assistance.

### **Special Circumstances**

The Subrecipients may allow a TBRA tenant to move from one location to another. Subrecipients may establish a policy regarding holding units while TBRA recipients are incarcerated or hospitalized.

### **Grievance policy**

Subrecipients shall establish a grievance policy for the TBRA Program.

### **Monitoring**

The City of Albuquerque is responsible for monitoring Subrecipients to ensure compliance with all City and Federal rules and regulations which govern their administrative, financial and programmatic operations. This includes, but is not limited to, ensuring services are provided according to the contract and performance goals are met within the time of performance. Monitoring of TBRA Programs is not a one-time-event, rather an ongoing process that will occur through on-site monitoring visits, quarterly report review and ongoing contract oversight.

#### On-Site Monitoring Visits

According to the *Administrative Requirements for Contracts Awarded Under the City of Albuquerque - Department of Family and Community Services Social Service Program*, on-site monitoring visits to agencies will be conducted as often as may be required at the discretion of the City. In general, however, Program office staff of the Department will conduct scheduled on-site monitoring visits with agency staff and/or program participants receiving contract funding to ensure Subrecipient's compliance with applicable Federal and local Regulations. Agencies will be required to make available such program records related to the project as are necessary for the Department staff.

1. City staff will notify agencies of a monitoring visit in writing at least thirty (30) days prior to the visit date. Notification will include pre-monitoring forms for the agency to complete and have at the time of the monitoring visit.
2. Prior to the on-site monitoring visit City staff will review the contractor's file and note any items that would require special attention or discussion during the visit and complete the Desk Review monitoring form.

3. Entrance conference with Executive Director and key staff at time of on-site visit to provide a clear understanding of the purpose of the monitoring visit.
4. City staff will complete the following forms during the review:
  - On-Site Review Form
  - Client Services File Review Form
  - Personnel File Review Form
  - Acquire, review and record data
  - Fiscal staff will complete all necessary Fiscal forms
5. Exit conference with Executive Director and key staff to present preliminary results, request additional information, clarify any concerns and suggest improvements.
6. Monitoring report and letter will be sent to agency as soon as possible but not longer than thirty (30) days of the on-site monitoring visit detailing the results of the visit.
7. Agency must respond to the City's findings in writing within thirty (30) days of the monitoring visit report.
8. When the City has received a satisfactory response to the findings a letter will be sent indicating the findings have been cleared.

### Ongoing Monitoring

City staff will conduct ongoing monitoring during the term of the contract in order to review the programmatic and financial areas of the contract's activities. Staff will review quarterly reports submitted by Subrecipients for compliance of the contract, goal attainment and the implementation of the program. Quarterly reports include a narrative section in which contractors may provide a detailed description of changes in staff or Board of Directors, any problems encountered during the quarter, steps that were taken or will be taken to resolve the issues and other pertinent information.

Financial documentation is reviewed regularly by City staff when Subrecipients submit reimbursement requests. City staff reviews invoices, receipts, etc. to ensure reimbursement of approved activity expenses.

City staff will provide technical assistance if at any time there appears to be issues with compliance, program delivery and/or reporting.

### HQS Inspections

During on site monitoring visits qualified City staff will conduct Housing Quality Standards (HQS) Inspections on TBRA assisted units to ensure that units are decent, safe and sanitary. City staff will ensure that Subrecipient staff has also conducted annual inspections of TBRA participant units.

## **Additional Information and Comments**

TBRA Policy and Procedures

More information about the City's Annual Action Plan and/or TBRA programs may be found online at [www.cabq.gov/family](http://www.cabq.gov/family). For comments about the administration of the City's TBRA programs, its subrecipients, or this document should be directed to:

City of Albuquerque  
Department of Family and Community Services  
ATTN: Community Development Manager  
P.O. Box 1293, Room 504  
Albuquerque, NM 87103

(505) 768-2860