

Questions and Answers

Housing Choice Voucher (HCV) - Family Unification Program (FUP)

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Eligibility:

1. Can families in the HCV program be transferred to a FUP voucher?

No. FUP funding would not be used appropriately if a regular HCV family is transferred to a FUP voucher. In this particular situation, these families are not lacking adequate housing (because their housing need has already been met through the existing HCV program).

2. What happens to the status of a FUP-eligible youth if that youth gives birth after she has leased up under a FUP youth voucher?

The youth is still eligible for the 18-month youth voucher. To be considered for a FUP family voucher, the youth would have to meet FUP-family and HCV eligibility requirements, as described in Question 3 below.

3. If a youth has leased up under a FUP youth voucher and has children who are at risk of out-of-home placement and lack of housing presents as primary issue, can that parent be found eligible for a FUP family voucher?

A youth who has children and has leased up under a FUP youth voucher could be given a FUP family voucher provided that he/she meets FUP-eligible family requirements, including that the youth is lacking adequate housing (e.g., a FUP-youth may lack adequate housing upon expiration of their 18 months of FUP assistance), and this lack of housing must be the primary factor in the imminent placement of the children in out-of-home care or in the delay of discharge of the

children to the parent from out-of-home care. The youth would have to be referred by the PCWA and selected from the PHA's HCV waiting list for the FUP family voucher, as with any other FUP-eligible family. Additionally, please note that a youth with children can be issued a FUP family voucher from the onset (prior to leasing up under a FUP youth voucher) as long as FUP-eligible family and HCV eligibility requirements are met.

4. In order to qualify, does a youth have to have lived only in foster care or would any residential placement by the PCWA qualify them for the FUP voucher?

Under the federal definition of foster care, placement can include, but is not limited to, “placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes...” See 45 CFR §1355.20. Therefore, placement is not limited to foster family homes for a youth to meet the “left foster care at age 16 or older” element of the FUP-eligible youth definition (U.S. Housing Act of 1937, Section 8(x)(2)). Of course, all other elements of the FUP-eligible youth definition must also be met for the youth to be FUP-eligible.

5. Are youth being discharged from an institution eligible for a FUP voucher?

The definition of homelessness includes, among others, a person that has a primary nighttime residence that is: “an institution that provides a temporary residence for persons intended to be institutionalized” (see FY 2010 FUP NOFA, section I.B.6, page 4). In this case, the youth would meet the definition of lacking adequate housing. If all other requirements are met, the youth is eligible to receive a FUP voucher.

6. At which point must a FUP youth be no more than 21 years old (has not reached his/her 22nd birthday)?

A FUP youth must be no more than 21 years old at the time of PCWA certification as FUP-eligible and also at the time of HAP contract execution. Timing of the referral is particularly important in this case. For example, a PCWA may be planning to refer a youth that is still 21 years old at the time of referral but is close to turning 22 years old. Although the youth meets the age requirement at the time of referral, there could be a strong likelihood that, at the time of HAP contract execution, the youth may no longer meet the age requirement. The PHA and PCWA will have to ensure that the youth does not reach the age requirement limit before the effective date of the HAP contract or the youth will no longer be eligible for a FUP youth voucher.

7. If after a family is referred by the PCWA but prior to issuance of a voucher a PHA discovers that reunification will not happen, can the FUP voucher still be issued or would the family not be eligible, since the children will not be returning home?

The family must remain FUP-eligible through lease-up. In order to meet the definition of a FUP-eligible family, lack of adequate housing must be a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in delaying the reunification. If the lack of adequate housing is no longer a primary factor for the family not reunifying, the family is no longer eligible for a FUP voucher and the FUP voucher cannot be issued to the family. If the FUP voucher has already been issued before the PHA discovers that the reunification will not happen, but the family has not yet leased up under the voucher, the PHA must not execute the HAP contract, as the family is no longer FUP-eligible.

8. Can a PCWA refer a family that is not on its case load if the family does not have adequate housing?

PCWAs may only certify a family as FUP-eligible if a lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care. Both "imminent placement... in out-of-home care" and "delay of discharge... from out-of-home care" (U.S. Housing Act of 1937, Section 8(x)(2)) indicate family involvement with the PCWA or foster care; at a minimum the PCWA must have enough knowledge or interaction with the family that the PCWA can certify that the family is FUP-eligible.

9. What documentation is the PHA required to have in their file regarding the eligibility determination made by the PCWA? Is the referral sufficient or do we need to have the full documentation that demonstrates their eligibility?

The PHA is not required to maintain full documentation that demonstrates the family or youth's FUP eligibility. In order to maintain an audit trail the PHA should keep the referral or certification from the PCWA.

General Program Operation:

10. If the person who qualifies for the FUP voucher passes away, do the remaining family members get to keep the voucher?

There is no regulatory basis for terminating the remaining family members from assistance upon the death of one family member. Therefore the remaining family members may keep the voucher and the voucher would keep the same code in the Public and Indian Housing

Information Center (PIC) under line 2n of Form HUD-50058 (or line 2p of form HUD-50058 MTW).

In the case of a FUP-youth voucher, assistance will terminate after 18 months, as required under the FUP program, even if the FUP-eligible youth is no longer included in the household. In the case of a FUP-youth voucher, the PHA could choose to issue a regular HCV to the remaining family members to free-up the FUP voucher, but the family would need to be selected from the HCV waiting list for the HCV. If the PHA issues a regular HCV to the remaining family members, the FUP voucher must be reissued to a FUP family or youth upon turnover.

11. What happens to the voucher if there is a divorce or other family breakup?

The PHA must follow its policies on how to determine who remains in the program if a family breaks up (24 CFR Section 982.315).

12. May a PHA transition a FUP family to a regular HCV if the family fails to reunify with their children?

Under limited circumstances, families leased up under a FUP family voucher may be transferred to the regular HCV program. FUP families may be transferred to the regular HCV program when there are no longer children in the household (e.g. children turn 18 or are permanently removed from the home). This transfer will then free-up a FUP voucher that must be turned over to the next FUP-eligible family or FUP-eligible youth on the PHA's HCV waiting list.

FUP youth may not be transferred to the regular HCV program (and instead must be selected from the HCV waiting list for a regular HCV voucher; see Question 42 below) because of the statutory time-limit on FUP youth vouchers.

13. Can a PHA serve only FUP-eligible families (and not FUP-eligible youths)?

PHAs must serve any referrals (youths or families) that meet all program eligibility requirements. If there is little or no need for FUP youth vouchers, this will be reflected in the referral process. If the PHA is facing administrative difficulties with the FUP youth vouchers (e.g. reticence of landlords to lease to FUP youths for lack of rental history), the PCWA and the PHA should work together to troubleshoot such difficulties and find viable solutions. PCWAs play a vital role in this process.

14. Do PCWAs have an obligation to inform PHAs of a FUP referral's criminal history?

HUD policies and regulations do not and cannot impose an obligation on PCWAs to provide information regarding an applicant's criminal history to the PHA. However, it is in the best

interest of the PHA and the PCWA for this information to be made known during the referral process, subject to any privacy laws, since an applicant's criminal history, such as a prior arrest or conviction for drug-related criminal activity, could make the applicant ineligible for assistance under PHA policy. PCWAs often know the details and circumstances surrounding an applicant's criminal activity including, among others, whether the applicant is participating in or has successfully completed a supervised drug or alcohol rehabilitation program. Such details are helpful to the PHA in determining an applicant's eligibility and may result in the applicant being determined eligible under PHA policy.

15. May PHAs collaborate with more than one PCWA?

Yes, PHAs may collaborate with more than one PCWA. This may be especially useful for state-level PHAs, where there are multiple PCWAs serving different parts of the PHA's jurisdiction. PHAs considering this option must have an MOU with each PCWA to administer FUP.

16. May FUP referrals come from agencies other than the PCWA designated on the MOU?

FUP referrals can come from other organizations in the community who work with the population, including organizations that the PCWA has contracted with to handle a specific department or division. In cases where a referral comes from another organization in the community, the PCWA must certify that the FUP applicant meets FUP eligibility requirements, unless the PCWA has vested another organization with this authority. The MOU between the PHA and the PCWA should indicate what organizations have this authority.

17. Can a voucher be reserved for use after residential treatment?

No, a FUP voucher may not be reserved for a specific family's use. If parents are going into residential treatment, the referral of such family should be made to the PHA once the family is actually able to use the voucher.

18. What is the definition of imminent placement?

The FUP NOFA does not define "imminent placement." PCWAs may use their discretion to determine whether the potential placement of the family's child (or children) in out-of-home care is "imminent placement."

19. If a family has stable housing living with friends or relatives, is that a lack of adequate housing and is the family eligible for a FUP voucher?

"Lack of adequate housing" is defined in the FUP NOFA (see FY 2010 FUP NOFA, section I.B.8, page 4). Specifically, "lack of adequate housing" means:

- A family or youth is living in substandard or dilapidated housing;
- A family or youth is homeless;
- A family or youth is in imminent danger of losing their housing;
- A family or youth is displaced by domestic violence;
- A family or youth is living in an overcrowded unit; or
- A family or youth is living in housing not accessible to the family's disabled child or children, or to the youth, due to the nature of the disability.

The above terms are further defined in the NOFA. If the family does not meet the definition of any of the above terms, the family or youth is not eligible for a FUP voucher.

20. Can a PHA assign a specific number or percentage of FUP vouchers for youths and a specific number or percentage for families? For example, if a PHA is awarded 100 FUP vouchers, can a PHA assign 25 of their awarded FUP vouchers to youths and 75 to families?

Yes. If a PHA decides to implement such voucher assignment the PHA must:

- a) Detail the FUP voucher assignment in the PHA's administrative plan;
- b) Amend the administrative plan in accordance with applicable regulations and requirements;
- c) Make this determination in consideration of the local housing needs for both these populations; and
- d) Maintain documentation that supports this determination.

21. Are PHAs allowed to overlease FUP vouchers (i.e. have more FUP vouchers than their baseline)?

No, PHAs may not lease FUP vouchers above their baseline. Any vouchers issued under the FUP program but in excess of the FUP baseline is essentially creating a FUP-like waiting list preference without the transparency that is required for PHA policies. PHAs may create such a preference, but must follow the regulations for creating such a preference (24 CFR 982.207). These vouchers would not be considered FUP vouchers and should not be reported as such in the Voucher Management System (VMS) or PIC.

Waiting List Administration:

22. Is there a separate FUP waiting list?

No. FUP-eligible applicants are placed on the regular HCV waiting list.

23. How are FUP-eligible applicants placed on the PHA's HCV waiting list?

The PHA must:

- a) Compare the list of PCWA referrals to its HCV waiting list to determine if any names in the PCWA's referral list are already on the PHA's HCV waiting list.
- b) Any names in the PCWA's referral list that match the PHA's HCV waiting list must maintain the order of their position on the HCV waiting list.
- c) Any names in the PCWA's referral list that are not already on the PHA's HCV waiting list must be placed on the HCV waiting list.
- d) If the PHA's HCV waiting list is closed the PHA must reopen its waiting list to accept FUP applicants not already on the HCV waiting list.

24. How does a PHA open its HCV waiting list for just FUP-eligible applicants?

A PHA may open its HCV waiting list based upon local needs and circumstances, such as the need to target special populations like the families served under FUP. Therefore, a PHA may open its HCV waiting list specifically for FUP applicants. PHAs must follow HCV program requirements in 24 CFR §982.206 and PHA policy when opening the HCV waiting list, including providing public notice of the HCV waiting list opening.

25. Do PHAs have to reopen their HCV waiting list for each FUP family that is referred?

Opening the HCV waiting list every time the PHA gets a FUP referral may not be the most efficient way of administering the HCV waiting list for FUP. Instead, a PHA could keep the HCV waiting list open only for FUP applicants, or open the HCV waiting list for brief application periods only for FUP applicants. PHAs must follow HCV program requirements in 24 CFR §982.206 and PHA policy when opening the HCV waiting list.

26. Does a PHA need to establish a local preference for FUP participants?

PHAs are not required to establish a local preference for FUP, although they may do so. A preference is not required because FUP funding must be used, as required by appropriations law, for families and youths that meet the standard for FUP assistance.

27. If the PHA has other HCV waiting list preferences (e.g. a residency preference) would this affect the order in which FUP-eligible applicants are selected from the HCV waiting list?

HCV waiting list preferences apply in the selection of FUP applicants for a FUP voucher only in relation to other FUP applicants on the HCV waiting list. For example, if the PHA has a residency preference and FUP applicant A qualifies for that preference but FUP applicant B does not, then FUP applicant A must be selected first from the HCV waiting list when a FUP voucher

becomes available. On the other hand, the PHA must select a FUP applicant for a FUP voucher (when available) even if the next person on the HCV waiting list is a regular HCV applicant that qualifies for a preference that the FUP applicant does not.

28. In what order must a PHA select FUP-eligible applicants from its HCV waiting list?

PHAs select FUP-eligible applicants from the HCV waiting list based on PHA admission policies, as specified in the PHA's administrative plan.

29. If a PHA selects applicants from the HCV waiting list based on a random drawing, could a FUP applicant be selected before another FUP applicant that had applied earlier?

Yes. As with any random drawing, an applicant that is randomly selected may be issued a housing choice voucher before one that had applied earlier.

30. Should the PHA maintain any specific information to select FUP applicants from the HCV waiting list?

PHAs should make sure that FUP applicants are identified as FUP-eligible on the PHA's HCV waiting list.

Portability:

31. Can PHAs restrict portability for FUP youths for the first year or for the full 18 months of assistance?

No. Portability of a FUP participant is handled in the same way as regular Housing Choice Vouchers (HCVs), so a PHA may not restrict or deny portability for a FUP participant for reasons other than those specified in HCV program regulations (such as restrictions on nonresident applicants under 24 CFR 982.353(c)).

32. Can a PHA restrict portability of a FUP voucher while the PCWA is still providing services to the family or youth?

No. As in Question 31, above, a PHA may not restrict or deny portability for a FUP participant for reasons other than those specified in HCV program regulations. Participation in case management is voluntary and portability cannot be restricted for this reason.

33. Does a FUP participant that wants to move with continued assistance have to move to a jurisdiction that administers FUP?

No. A FUP participant does not have to move to a jurisdiction that administers FUP.

34. If a receiving PHA is not absorbing an incoming portability move and will bill the initial PHA, must the receiving PHA have a FUP program?

No. The receiving PHA does not need to have a FUP to bill the initial PHA for a ported FUP voucher. The receiving PHA must continue to report the household as FUPY or FUPF in PIC under line 2n of Form HUD-50058 (or line 2p of Form HUD-50058 MTW).

35. If the receiving PHA has a FUP voucher available, is the receiving PHA required to absorb the ported FUP voucher?

No. The receiving PHA has discretion on whether to absorb or bill a ported FUP voucher.

36. Can a PHA absorb a FUP family or youth into its regular HCV program?

Yes. There is nothing that precludes a PHA from absorbing a FUP family or youth into its regular HCV program if it has vouchers available to do so. If the receiving PHA absorbs the family or youth into its regular HCV program, that family or youth becomes a regular HCV participant with none of the limitations of a FUP voucher. In the case of absorption, a FUP voucher would become available to the initial PHA, which must be used for another FUP-eligible family or youth (see question 37 below).

37. If a FUP voucher holder moves under portability to another PHA's jurisdiction, does the initial PHA re-issue the voucher to another FUP-eligible family or youth or is the ported voucher still considered part of the initial PHA's FUP?

It depends on whether the receiving PHA bills or absorbs the ported voucher. If the receiving PHA absorbs the ported voucher, then the initial PHA would have a FUP voucher available to use for another FUP family or youth. If the receiving PHA bills the initial PHA for the FUP voucher, that voucher continues to be a FUP voucher under the initial PHA's program that is not available to the initial PHA for re-issuance to another FUP family or youth.

A receiving PHA that has a FUP program can choose to absorb the portable voucher as either a FUP voucher or a regular HCV. If the receiving PHA absorbs the FUP voucher into its FUP, then that voucher is considered a FUP voucher under the receiving PHA's FUP. If the receiving PHA absorbs the voucher into its regular HCV program, then that voucher is no longer considered a FUP voucher.

38. If a FUP youth ports to another jurisdiction under a billing arrangement, which PHA has the responsibility of terminating the FUP assistance once the 18-month limit expires?

The initial and receiving PHA must work together to initiate termination of assistance upon expiration of the 18-month limit.

Voucher Time Limit:

39. Is there a time limit on FUP family vouchers?

No. There is no limitation on the time a FUP family may receive housing assistance under the program. Only FUP vouchers that are issued to youths have an 18-month statutory time limit. Specifically, HUD regulations do not allow PHAs to set time limits for regular vouchers, including FUP vouchers for families. PHAs that participate in the Moving to Work (MTW) demonstration program may be able to time limit their regular vouchers (subject to their MTW agreement), but those time limits may not be applied to FUP family vouchers.

40. Does the 18-month assistance limitation for FUP youth mean 18 months of paid HAP or 18 months on the program?

If no subsidy (HAP) is being paid on behalf of the youth, that period of time does not count under the 18-month limitation.

41. Is it permissible to reissue a FUP voucher for another 18 months to a FUP youth whose voucher has reached the 18-month limit?

No. It is not permissible to reissue another FUP youth voucher to the same FUP youth upon expiration of their 18 months of FUP assistance.

42. Can a FUP youth be issued a regular HCV upon expiration of the 18-month limit?

Yes. However, the youth would have to be selected from the HCV waiting list for a regular HCV. To facilitate this process, PHAs may choose to create a preference in their regular HCV program for persons whose FUP youth assistance is expiring and will have a lack of adequate housing as a result of their termination from the program, or other similar category.

43. Can the 18-month time limit on a FUP youth voucher be waived?

No. The 18-month time limit on FUP youth vouchers is a statutory requirement under §8(x) of the U.S. Housing Act of 1937 and cannot be waived. However, PHAs may work collaboratively with PCWAs in developing a transitional plan to help prepare youths for the eventual expiration of their 18 months of FUP assistance. PHAs also have the option of using a preference as described in Question 42 above.

Terminations:

44. Under what circumstances can a PHA terminate a FUP voucher?

Termination of a FUP voucher is handled in the same way as with any HCV; therefore termination of a FUP voucher must be consistent with HCV regulations at 24 CFR Part 982, Subpart L. Please note that given the statutory time limit on FUP youth vouchers, a PHA must terminate the FUP youth voucher once the 18-month limit on assistance has expired.

45. If the parents lose their parental rights or are separated from their children after voucher lease-up, are they still eligible for continued assistance with a FUP voucher?

PHAs may not terminate a family from the program because the family loses parental rights or the children reach adulthood. PCWAs can help minimize the number of vouchers going to families that then lose their parental rights by properly planning the timing of referrals and accurately anticipating reunification dates, to the extent that it is possible to do so. As noted in Question 12 above, families leased up under a FUP family voucher that no longer have children in the household may be transferred to the regular HCV program. This transfer will then free-up a FUP voucher that must be turned over to the next FUP-eligible family or FUP-eligible youth on the PHA's HCV waiting list.

46. Can a PHA terminate a FUP voucher holder for non-compliance with case management?

No. A PHA cannot terminate a FUP participant for non-compliance with case management.

SEMAP:

47. Do PHAs have 12 months to lease up new FUP vouchers from the effective date of the funding increment before it impacts the SEMAP lease-up indicator?

Yes. New increments are excluded from the lease-up indicator for 12 months from the effective date of the increment as reflected in the PHA's Consolidated ACC.

Moving to Work Agencies (MTW):

48. Can MTW agencies administer FUP in accordance with their MTW agreements?

Yes, unless the PHA's MTW agreement is inconsistent with Appropriations Act requirements (including the Authorizing Statute (section 8(x) of the United States Housing Act of 1937)), or the requirements of the funding notice. In the event of a conflict, the requirements of the Appropriation Act (including the Authorizing Statute), and/or the funding notice govern.

Funding:

49. Once a PHA is awarded FUP vouchers do they need to reapply under a separate NOFA for renewal funding of those vouchers?

No. After the initial funding increment expires, FUP vouchers are rolled into the PHA's renewal formula and funding for those FUP vouchers is included in the PHA's main HCV renewal increment. Renewal funding is based on validated leasing and cost data in VMS and is subject to subsequent renewals from future appropriations. A PHA would submit an application under a separate NOFA to apply for a new allocation of FUP vouchers.

50. Are administrative fees available for administration of FUP vouchers?

Yes. As with any type of voucher, administrative fees are paid based on the number of units under lease.

51. Are new vouchers going to be made available?

A PHA may have vouchers available through turnover (i.e. families/youths leaving the program or a youth's assistance expiring) which frees up a FUP voucher for another family/youth. Congress has not appropriated new funds for new FUP awards since Federal Fiscal Year (FY) 2010. In the event that Congress appropriates funds for new FUP vouchers in the future, HUD will issue a Notice of Funding Availability (NOFA), to which PHAs may apply.

Other:

52. The FY 2010 FUP NOFA provides new definitions of lacking adequate housing; can these new definitions be applied to previously awarded FUP vouchers?

Yes, upon turnover of those vouchers.

53. Can FUP vouchers be project-based?

No. FUP vouchers are only to provide tenant-based assistance. Funding under the program cannot be used to provide project-based assistance.