Chicago Housing Authority
Chicago, IL

Moving to Work Housing Choice Voucher Program

Office of Audit, Region 5
Chicago, IL

Audit Report Number: 2015-CH-1001
February 24, 2015

To: Dominique Blom, Deputy Assistant Secretary for Public Housing Investments, PI

//signed//

From: Kelly Anderson, Regional Inspector General for Audit, Chicago Region, 5AGA

Subject: The Chicago Housing Authority, Chicago, IL, Moving to Work Housing Choice Voucher Program

Attached is the U.S. Department of Housing and Urban Development (HUD), Office of Inspector General's (OIG) final results of our review of the Chicago Housing Authority's Moving to Work Housing Choice Voucher program.

HUD Handbook 2000.06, REV-4, sets specific timeframes for management decisions on recommended corrective actions. For each recommendation without a management decision, please respond and provide status reports in accordance with the HUD Handbook. Please furnish us copies of any correspondence or directives issued because of the audit.

The Inspector General Act, Title 5 United States Code, section 8M, requires that OIG post its publicly available reports on the OIG Web site. Accordingly, this report will be posted at http://www.hudoig.gov.

If you have any questions or comments about this report, please do not hesitate to call me at (312) 353-7832.

Audit Report Number: 2015-CH-1001
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The Chicago Housing Authority, Chicago, IL, Did Not Always Ensure It Complied With HUD's Requirements For Exception Payment Standards

Highlights

What We Audited and Why

We audited the Chicago Housing Authority's Moving to Work Housing Choice Voucher program as part of the activities in our fiscal year 2014 annual audit plan. We selected the Authority based on a request from Congressman Aaron Schock and recent media attention regarding the Authority's exception payment standards. Our objective was to determine whether the Authority complied with its Moving to Work agreement, the U.S. Department of Housing and Urban Development's (HUD) requirements, and its own policies for the use of exception payment standards for its Housing Choice Voucher program.

What We Found

The Authority lacked documentation to support that its policy increasing the exception payment standards up to 300 percent of HUD's 50^{th} percentile rents was reasonable and cost effective. As a result, HUD and the Authority lacked assurance that the housing assistance paid for its program households using the exception payment standard amounts was appropriate. We estimate that the Authority could pay nearly $5 million in housing assistance over the next year for households that exceed 110 percent of HUD's 50^{th} percentile rents.

What We Recommend

We recommend that the Deputy Assistant Secretary for Public Housing Investments require the Authority to (1) conduct an analysis to determine whether its exception payment standards exceeding 110 percent of HUD's 50^{th} percentile rents were reasonable and cost effective and provide the results of the analysis, along with support, to HUD for review and approval and (2) reimburse its program from non-Federal funds for the excess housing assistance paid for the households.

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Background and Objective

The Chicago Housing Authority was established in April 1934 under the laws of the State of Illinois to provide decent, safe, and sanitary housing. It is governed by a 10-member board of commissioners appointed by the mayor of Chicago, IL, to 5-year staggered terms. The board is responsible for the approval of policies and resolutions for the Authority. The board also appoints the Authority's chief executive officer. The chief executive officer is responsible for ensuring that policies are followed and providing oversight of the Authority's day-to-day operations.

The Omnibus Consolidated Rescissions and Appropriations Act of 1996, dated April 26, 1996, authorized the Moving to Work Demonstration program. The program was established to give public housing agencies and the U.S. Department of Housing and Urban Development (HUD) flexibility to design and test innovative, locally designed strategies in pursuit of the national goal of delivering rental assistance more efficiently. The program's intent is to pursue three statutory objectives: (1) reduce cost and achieve greater cost effectiveness in Federal expenditures; (2) give incentives to families with children in which the head of the household is working; seeking work; or participating in job training, educational programs, or programs that assist people in obtaining employment and becoming economically self-sufficient; and (3) increase housing choices for low-income families.

In pursuit of these objectives, Congress exempted Moving to Work housing agencies from many portions of the U.S. Housing Act of 1937 and associated regulations. In addition, the agencies were authorized to combine funds for the Housing Choice Voucher program and public housing capital and operating funds interchangeably. The Authority was approved to participate in the program on February 20, 2000. The Moving to Work agreement requires the Authority to abide by the statutory requirements in Section 8 of the Act and the annual contributions contract, except as necessary for the implementation of its Moving to Work demonstration initiatives.

HUD's regulations require public housing authorities to maintain specific utilization rates as part of their Section Eight Management Assessment Program (SEMAP) scores; however, the Authority's amended and restated Moving to Work agreement with HUD does not require Moving to Work agencies to submit SEMAP reports. Therefore, the Authority is not subject to utilization requirements for its Moving to Work program. However, the Authority's Moving to Work agreement requires that the Authority continue to assist substantially the same number of households in both its Housing Choice Voucher and public housing programs. As of July 30, 2014, the Authority met this requirement by administering 25,128 public housing units and 51,588 vouchers under its Section 8 Housing Choice Voucher program.

The Authority maintains separate waiting lists for its family public housing, property rental assistance, and Section 8 Housing Choice Voucher program. It closed its Section 8 waiting list in 2008 and reopened all three waiting lists on October 27, 2014. The application period for the

Authority's waiting lists ended on November 24, 2014. Based on the Authority's policy, it would randomly select applicants to add to the three waiting lists.

As of December 31, 2013, the Authority's unrestricted net assets account balance was more than $220 million. This balance represents the funds that are readily available for use in the administration of its Housing Choice Voucher program as well as other housing-related activities.[1]

Under State law, Illinois property owners who rent to tenants in the program may receive property tax abatement savings in an amount up to 19 percent of a property's equalized assessed value. The actual amount will depend upon (1) tax rates, (2) the state equalizer, (3) equalized assessed value, and (4) the number of qualified units rented to program participants. The Authority contracted with two entities to provide mobility and relocation counseling services to assist qualified families to move into opportunity areas. The Authority's contracts state that the contractors would (1) recruit landlord participation for the program in opportunity areas, (2) promote the Authority's program tax savings program, which allows eligible property owners to lower their annual property taxes, to develop interest in participation in the Authority's program, and (3) inform landlords that they may be able to take advantage of exception rents in opportunity areas.

Our objective was to determine whether the Authority complied with its Moving to Work agreement, HUD's requirements, and its own policies for the use of exception payment standards for its Housing Choice Voucher program.

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[1] Since the Authority is under the Moving to Work program, all funds are fungible. The Authority calculates this amount annually.

Results of Audit

Finding: The Authority Did Not Always Ensure It Complied With HUD's Requirements For Exception Payment Standards

The Authority lacked documentation to support that its policy increasing the exception payment standards up to 300 percent of HUD's 50th percentile rents[2] was reasonable and cost effective. The weakness occurred because the Authority lacked adequate procedures and controls to ensure that it complied with its Moving to Work agreement. As a result, HUD and the Authority lacked assurance that the housing assistance paid for its program households using the exception payment standard amounts was appropriate. We estimated that the Authority could pay nearly $5 million in housing assistance over the next year for households that exceed 110 percent of HUD's 50th percentile rents.

Although the Authority did not always ensure it complied with HUD's requirements for exception payment standards, it generally (1) selected the appropriate households from its program waiting list and (2) ensured that landlords were eligible to participate in the program. Further, there did not appear to be any apparent conflicts of interest among the Authority's employees, program households, and participating landlords.

The Authority Lacked Support for Its Exception Payment Standards

In its 2010 annual Moving to Work plan, the Authority requested HUD's approval to increase its exception payment standards up to 300 percent of HUD's 50th percentile rents. The increased rents were part of the Authority's strategy to increase the housing opportunities for program participants in low poverty opportunity areas.[3] In September 2010, HUD approved the Authority's plan with the caveat that the approval would not constitute endorsement of the Authority's policies described in the plan. In January 2011, the Authority began providing assistance to low-income households using the increased exception payment standards.

According to the Authority's Moving to Work agreement with HUD, a goal of the Moving to Work program is to design and test innovative methods of providing housing and delivering services to low-income households in an efficient and ***cost-effective*** manner. In addition, the agreement authorized the Authority to adopt and implement any ***reasonable*** policy to establish payment standards, rents, or subsidy levels for tenant-based assistance.[4] However, the Authority was unable to support that its policy, increasing the exception payment standards up to 300 percent of HUD's 50th percentile rents, was reasonable and cost effective.

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[2] HUD established 50th percentile fair market rent areas to ensure that low-income families have access to a broad range of housing opportunities throughout a metropolitan area.

[3] An opportunity area is a community in which no more than 20 percent of the households have income below the poverty level and the concentration of subsidized housing is less than 5 percent.

[4] Moving to Work agreement, attachment C, section D.2.a

Public housing agencies have the ability to establish rents between 90 and 110 percent of HUD's fair market rents.[5] HUD may approve exception payment standard amounts above 110 percent if justified and supported.[6] Because the Authority was unable to support that its exception payment standard amounts were reasonable and cost effective, we calculated the monthly housing assistance paid exceeding 110 percent of HUD's 50th percentile rents for the households with exception payment standards as of July 2014. Using the most recent household report, dated July 31, 2014, we determined that the Authority paid an additional $406,466 per month for the 766 households for which payment standards exceeded 110 percent of HUD's 50th percentile rents. Projecting this amount over the next year showed that the Authority would pay more than $4.8 million ($406,466 x 12 months) for households with payment standards exceeding 110 percent of HUD's 50th percentile rents.

The Authority Generally Managed Its Households and Landlords Appropriately

We reviewed files for 15 of the Authority's households and 6 landlords, who owned a total of 73 units that received housing assistance using exception payments standards. We determined that the Authority generally (1) obtained and maintained the required documentation to support the households' eligibility and continued assistance for the program, (2) selected and admitted households to the program appropriately, and (3) ensured that landlords were eligible to participate in the program. Further, there did not appear to be any apparent conflicts of interest among the Authority's employees, program households, and participating landlords for 314 of the Authority's 766 households that received housing assistance using exception payments standards.

The Authority Lacked Adequate Procedures and Controls

The Authority, under its previous administration, lacked adequate procedures and controls to ensure that it complied with its Moving to Work agreement. The Authority's former executive director and senior vice president of the program could not (1) explain why the Authority decided to use 300 percent as the maximum exception payment standard percentage or (2) recall whether an analysis was completed to determine that the percentage was reasonable and cost effective. Further, the Authority's current administration was unable to provide supporting documentation, such as an analysis that assessed the cost effectiveness or reasonableness of the Authority's use of exception payment standards up to 300 percent of HUD's 50th percentile rents.

In January 2014, the Authority initiated a preliminary review of its exception payment standards, and based on the results, on August 18, 2014, it reduced the maximum exception payment standard percentage from 300 to 150 percent of HUD's 50th percentile rents.[7] According to the Authority's policies, the payment standards for the households receiving exception payment standard amounts which exceed 150 percent of HUD's 50th percentile rents will be reduced, which will require the households to pay the difference or relocate to lower cost housing

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[5] 24 CFR (Code of Federal Regulations) 982.503(b)(1)(i)
[6] 24 CFR 982.503(c)(2)(i)
[7] The Authority plans to continually assess the reasonableness of its exception payment standards.

units. However, the Authority was unable to provide sufficient documentation to support that its decision to reduce the exception payment standards to 150 percent of HUD's 50th percentile rents was reasonable and cost effective.

According to HUD's requirements,[8] when a payment standard is reduced, the lower payment standard must be used to calculate the assistance on the household's second certification following the effective date of the decrease. Since the Authority performs biennial and triennial household income recertifications, the payment standards for the households that recertify in 2015 would not be reduced until 2017 or 2018, respectively. Therefore, the Authority should conduct special recertifications for the households with payment standards above the percentage determined to be reasonable and cost effective so the payment standards can be reduced within 1 year.

Conclusion

The weakness described above occurred because the Authority lacked adequate procedures and controls to ensure that it complied with its Moving to Work agreement. As a result, HUD and the Authority lacked assurance that the housing assistance paid for the Authority's program households using the exception payment standard amounts was appropriate. We estimated that the Authority could pay nearly $5 million in housing assistance over the next year for households that exceed 110 percent of HUD's 50th percentile rents. These funds could potentially be used to provide assistance to additional households.

Recommendations

We recommend that the Deputy Assistant Secretary for Public Housing Investments require the Authority to

1A. Conduct an analysis to determine whether its exception payment standards exceeding 110 percent of HUD's 50th percentile rents were reasonable and cost effective and provide the results of the analysis, along with support, to HUD for review and approval. This measure would ensure that $4,877,592 in program funds is appropriately used for future housing related costs such as housing assistance payments.

1B. Conduct special recertifications for the households with payment standards above the percentage determined to be reasonable and cost effective so that their payment standards can be reduced within 1 year.[9]

1C. Reimburse its program from non-Federal funds for the excess housing assistance paid for the households based on the results of the analysis.

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[8] 24 CFR 982.505(c)(3)

[9] This recommendation does not apply to households with exception payment standards due to a reasonable accommodation.

Scope and Methodology

We performed our onsite audit work at the Authority's main office located at 60 East Van Buren, Chicago, IL between August and October 2014 and the HUD Office of Inspector General's (OIG) Chicago and Columbus offices. The audit covered the period January 1, 2009, through July 31, 2014, but was expanded as determined necessary.

To accomplish our review objective, we interviewed HUD program staff and Authority employees. In addition, we obtained and reviewed the following:

- Applicable laws, regulations, HUD's program requirements at 24 CFR (Code of Federal Regulations) Parts 5 and 982, HUD public and Indian housing notices, and HUD's Guidebook 7420.10G.

- The Authority's Moving to Work agreement, annual plans, and annual reports; comprehensive financial annual reports; bank statements; policies and procedures; board meeting minutes for January 2009 through July 2014; organizational chart; HUD's fair market and 50th percentile rents; and applicable program reports, to include the Authority's payment standards, household and landlord lists, waiting lists, housing assistance payments register, and occupancy reports.

- HUD's files for the Authority

Using the Authority's list of 759 households that it identified as receiving housing assistance payments based on the exception payment standards, we selected a random sample of 15 households to determine whether the Authority obtained and maintained the required documentation to support the households' eligibility for the program. In addition, we reviewed the Authority's waiting list to ensure that the 15 households were appropriately selected and admitted to the program. In addition, we selected a judgmental sample of 30 households and conducted interviews. Our results were limited to our review of the 15 household files and interviews with the 30 households.

The Authority provided a list of 460 landlords that received housing assistance using the Authority's exception payment standards. We selected a judgmental sample of 6 landlords, who owned a total of 73 units. We reviewed the Authority's files to ensure that the Authority (1) appropriately approved the landlords to participate in its program and (2) maintained required eligibility documentation. Our results were limited to our review of the six landlords.

We reviewed the Authority's Housing Choice Voucher program and public housing program occupancy reports for 2009 through 2014 to ensure that the Authority continued to assist substantially the same number of households in accordance with HUD's requirements.

Further, for the Authority's list of 759 households, using LexisNexis Accurint,[10] we created relationship reports for 314 that had the highest exception payment standard amounts to ensure that there were no apparent conflicts of interest among the households, landlords, and Authority staff.

We obtained the Authority's listing of all its program households and determined the households that received exception payment standard amounts above 110 percent of HUD's 50th percentile rents. We compared this list to the list of the 759 households that the Authority identified as receiving exception payment standards. Based on the comparison, we identified 57 households that were included with the 759 households but not on the list of all program households. In addition, we identified 64 households that were on the list of all program households but not included on the list of 759 households. Therefore, the Authority had 766 (759 -57 + 64) households that received exception payment standard amounts above 110 percent or HUD's 50th percentile rents. Using the 766 households, for each household we calculated 110 percent of the applicable 50th percentile rent and subtracted the result from the exception payment standard amount to determine the monthly housing assistance paid in excess of 110 percent.

We conducted the audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective(s). We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

[10] LexisNexis® Accurint ® for Government is a point-of-need investigative solution that enables government agencies to locate people, detect fraud, uncover assets, verify identity, perform due diligence, and visualize complex relationships. It helps enforce laws and regulations; fight fraud, waste, and abuse; and provide essential citizens' services.

Internal Controls

Internal control is a process adopted by those charged with governance and management, designed to provide reasonable assurance about the achievement of the organization's mission, goals, and objectives with regard to

- Effectiveness and efficiency of operations,
- Reliability of financial reporting, and
- Compliance with applicable laws and regulations.

Internal controls comprise the plans, policies, methods, and procedures used to meet the organization's mission, goals, and objectives. Internal controls include the processes and procedures for planning, organizing, directing, and controlling program operations as well as the systems for measuring, reporting, and monitoring program performance.

Relevant Internal Controls

We determined that the following internal controls were relevant to our audit objective:

- Effectiveness and efficiency of operations – Policies and procedures that management has implemented to reasonably ensure that a program meets its objectives.
- Reliability of financial reporting – Policies and procedures that management has implemented to reasonably ensure that valid and reliable data are obtained, maintained, and fairly disclosed in reports.
- Compliance with applicable laws and regulations – Policies and procedures that management has implemented to reasonably ensure that resource use is consistent with laws and regulations.

We assessed the relevant controls identified above.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, the reasonable opportunity to prevent, detect, or correct (1) impairments to effectiveness or efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations on a timely basis.

Significant Deficiency

Based on our review, we believe that the following item is a significant deficiency:

- The Authority lacked documentation to support that its policy, increasing the exception payment standards up to 300 percent of HUD's 50^{th} percentile rents, was reasonable and cost effective (see finding).

Appendixes

Appendix A

Schedule of Funds To Be Put to Better Use

Recommendation number	Funds to be put to better use 1/
1A	$4,877,592
Total	**$4,877,592**

1/ Recommendations that funds be put to better use are estimates of amounts that could be used more efficiently if an OIG recommendation is implemented. These amounts include reductions in outlays, deobligation of funds, withdrawal of interest, costs not incurred by implementing recommended improvements, avoidance of unnecessary expenditures noted in preaward reviews, and any other savings that are specifically identified. In this instance, if the Authority implements our recommendations, it will stop incurring excessive program costs for housing assistance payments that are not reasonable or cost effective.

Appendix B

Auditee Comments and OIG's Evaluation

Ref to OIG Evaluation	Auditee Comments

CHA
CHICAGO HOUSING AUTHORITY™

February 6, 2015

Ms. Kelly Anderson
Regional Inspector General for Audit
HUD Office of Inspector General
77 W. Jackson Boulevard, Room 2201
Chicago, IL 60604

Dear Ms. Anderson,

The Chicago Housing Authority (CHA) appreciates this opportunity to review and comment on the draft audit report on CHA's MTW activity related to Housing Choice Voucher exception payment standards.

Comment 1

One of the reasons that CHA proposed this activity with a limit at 300% of Fair Market Rents (FMR) was an effort to allow HCV participants to rent apartments in community areas on the North Side of Chicago. Without exception payment standards, HCV participants have a difficult time finding apartments to rent in community areas on the North Side, leaving them limited to renting primarily in community areas on the South and West Sides of the city, which often have higher concentrations of poverty and higher crime rates.

Comment 1

A second rationale for the activity was to be able to provide subsidy for on-site supportive services in addition to rent subsidy for HCV participants in need of such supportive services. Given the higher costs associated with operating such supportive housing developments, CHA needed to be able to pay rents higher than the regular payment standard, which is why the MTW activity was proposed with the 300% FMR limit.

Comment 2

CHA acknowledges that it was unable to supply past written documentation of an analysis to demonstrate how it arrived at the 300% FMR limit on exception payment standards, but we do not believe this translates to a lack of adequate procedures and controls to ensure our compliance with our MTW agreement. In fact, we believe the absence of any findings related to the day-to-day operations of the program indicate that we do have appropriate procedures and controls in place.

Comment 3

CHA will conduct an analysis utilizing historic rental market data to demonstrate that the 300% FMR limit on exception payment standards was both reasonable and cost-effective in regard to increasing housing opportunities in low-poverty community areas for HCV participants.

Again, we thank the HUD OIG for this opportunity to respond to the report, and we look forward to resolving this finding in coordination with HUD and HUD OIG.

Sincerely,

Michael Merchant

Michael R. Merchant
Chief Executive Officer

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OIG Evaluation of Auditee Comments

Comment 1 The Authority contends that it increased the payment standards up to 300 percent of HUD's 50th percentile rents to allow program participants access to units on the north side of Chicago and on-site supportive services. The Authority did not provide documentation that program participants (1) were not able to rent units on the north side of Chicago without exception payment standards or (2) needed supportive services. In addition, the Authority also did not provide documentation to support that the housing units with the increased payment standards offered supportive services. The Authority's Moving to Work activity in its 2014 plan stated that the Authority applied exception payment standards to increase housing options in opportunity areas throughout Chicago. However, the Authority's plan does not mention the need for supportive services for households residing in opportunity areas. Further, as stated in the audit report, in January 2014, the Authority initiated a preliminary review of its exception payment standards, and based on the results, it reduced the maximum exception payment standard percentage from 300 to 150 percent of HUD's 50th percentile rents

Comment 2 According to the Authority's Moving to Work agreement with HUD,[11] a goal of the Moving to Work program is to design and test innovative methods of providing housing and delivering services to low-income households in an efficient and ***cost-effective*** manner. In addition, the agreement authorized the Authority to adopt and implement any ***reasonable*** policy to establish payment standards, rents, or subsidy levels for tenant-based assistance. Because the Authority lacked an analysis of its decision to increase its payment standards up to 300 percent of HUD's 50th percentile rents, we were unable to determine whether the rents were reasonable or cost effective. Our review was limited in scope; thus we did not audit the Authority's day-to-day operations. Additionally, the audit does not provide assurance that no other issues exist within the Authority's programs.

Comment 3 We commend the Authority for planning to conduct an analysis to determine whether increasing the payment standards up to 300 percent of HUD's 50th percentile rents was reasonable and cost effective. The Authority should work with HUD while conducting its analysis to determine the appropriate actions needed to satisfy our recommendations.

[11] Moving to Work agreement, attachment C, section D.2.a

Appendix C

Federal and Authority Requirements

The amended and restated Moving to Work agreement between HUD and the Authority, executed June 26, 2008, states that section 204(a) of the 1996 Appropriations Act provides that public housing agencies that administer Section 8 and public housing and the Secretary of HUD must have the flexibility to design and test various approaches for providing and administering housing assistance that (1) reduce cost and achieve greater cost effectiveness in Federal expenditures; (2) give incentives to families with children whose heads of household are either working, seeking work, or participating in job training or educational or other programs that assist in obtaining employment and becoming economically self-sufficient; and (3) increase housing choices for low-income families.

The amended and restated Moving to Work agreement between HUD and the Authority states that it is a goal of this program to design and test innovative methods of providing housing and delivering services to low-income families in an efficient and cost-effective manner and HUD and the Authority agree to fully cooperate with each other to make this program a success.

The amended and restated Moving to Work agreement between HUD and the Authority, attachment C, section D.2.a, states that the Authority is authorized to adopt and implement any reasonable policy to establish payment standards, rents, or subsidy levels for tenant-based assistance that differ from the currently mandated program requirements in the U.S. Housing Act of 1937 and its implementing regulations.

The amended and restated Moving to Work agreement between HUD and the Authority, attachment D-8, states that HUD increased the fair market rent for the Chicago market area to the 50^{th} percentile beginning in December 2000. The Authority continues to be authorized to use a 50^{th} percentile fair market rent.

Section 16-II.B of the Authority's Section 8 Housing Choice Voucher program administrative plan states that the Authority, under the terms of its Moving to Work agreement, may approve special exception payment standards on a unit-by-unit basis up to 300 percent of the HUD published fair market rents for the City of Chicago under a demonstration program to expand affordable housing choices within housing opportunity areas in Chicago.

Section 16-VI.A of the administrative plan states that the Authority must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.