

PHAPlans

5YearPlanforFiscalYears2002 -2006
AnnualPlanforFiscalYear2002

PublicHearingheldonThursday,May23,2002at3:30p.m.
AdoptionofAnnualPlanforFY2003byBoardMembersResolutionNo.259,May23,2002

InitialTransmissionThursday,June20,2002

CertificationssubmittedviaU.S.MailThursday,June20,2002

HUD-50070 –CertificationofaDrugFreeWorkplace

HUD-50071 –CertificationofPaymentstoInfluenceFederalTransactions

StandardFormLLL –DisclosureofLobbyingActivities

PHACertificationsofCompliancewiththePHAPlansandRelatedRegulations

ResolutionNo.259datedMay 23,2002

CertificationbyStateorLocalOfficialofPHAPlansConsistencywiththeConsolidated
Plan(originalsubmittedwithletterdated6/20/2002)

**NOTE:THISPHAPLANSTEMPLATE(HUD50075)ISTOBECOMPLETEDIN
ACCORDANCEWITHINSTRUCTIONSLOCATEDINAPPLICABLEPIHNOTICES**

PHA Plan Agency Identification

PHAName: Housing Authority of the City of Seguin, Texas

PHANumber: TX303

PHAFiscalYearBeginning: 10/2002

Public Access to Information

Information regarding any activities outlined in this plan can be obtained by contacting: (select all that apply)

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices
- Main administrative office of the local government
- Main administrative office of the County government
- Main administrative office of the State government
- Public library
- PHA website
- Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- Main business office of the PHA
- PHA development management offices
- Other (list below)

5-YEAR PLAN
PHAF ISCAL YEARS 2002 -2006
[24CFRPart903.5]

A.Mission

State the PHA's mission for serving the needs of low -income, very low income, and extremely low -income families in the PHA's jurisdiction. (select one of the choices below)

- X The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.
- The PHA's mission is: (state mission here)

B.Goals

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD -suggested objectives or their own, **PHAS ARE STRONGLY EN COURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS .** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the space to the right of or below the stated objectives.

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

- X PHA Goal: Expand the supply of assisted housing
Objectives:
- Apply for additional rental vouchers:
 - Reduce public housing vacancies:
Leverage private or other public funds to create additional housing opportunities:
 - Acquire or build units or developments
 - X Other (list below)
By forming partnerships with other groups to attempt to create affordable housing opportunities through programs such as Low - Income Tax Credit Housing Program
- PHA Goal: Improve the quality of assisted housing
Objectives:
- X Improve public housing management: (PHAS score) 87.5
 - X Improve voucher management: (SEMAP score) 80 pending Appeal

- Increase customer satisfaction:
- Concentrate effort to improve specific management functions:
(list; e.g., public housing finance; voucher unit inspections)
- X Renovate or modernize public housing units:
By use of CFP 2002 funds for replacement of north wall exterior door units at elderly complex; exterior stucco repair & painting at family sites; replace water line cut-off valves at family sites; replace damaged interior doors; landscaping for site & curb appeal.
- Demolish or dispose of obsolete public housing:
- Provide replacement public housing:
- Provide replacement vouchers:
- Other: (list below)

- PHA Goal: Increase assisted housing choices
Objectives:
 - Provide voucher mobility counseling:
 - X Conduct outreach effort to potential voucher landlords
 - Increase voucher payment standards
 - Implement voucher homeownership program:
 - Implement public housing or other homeownership programs:
 - Implement public housing site-based waiting lists:
 - Convert public housing to vouchers:
 - Other: (list below)

HUD Strategic Goal: Improve community quality of life and economic vitality

- X PHA Goal: Provide an improved living environment
Objectives:
 - X Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
By using the 60% of income targeting for new admission to obtain higher income residents in predominately lower income developments.
 - Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
 - Implement public housing security improvements:
 - Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
 - Other: (list below)

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

- X PHA Goal: Promote self-sufficiency and asset development of assisted households
- Objectives:
- Increase the number and percentage of employed persons in assisted families:
 - Provide or attract supportive services to improve assistance recipients' employability:
 - Provide or attract supportive services to increase independence for the elderly or families with disabilities.
 - X Other: (list below)
Provide local agency program to residents geared towards attaining self-sufficiency.

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

- X PHA Goal: Ensure equal opportunity and affirmatively further fair housing
- Objectives:
- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability:
 - X Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status, and disability:
 - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
 - X Other: (list below)
Through the Capital Fund Program update and maintain current housing stock to provide an above average living environment for residents.

Other PHA Goals and Objectives: (list below)

By maintaining existing properties to provide a suitable living environment for all residents, regardless of income status.

AnnualPHAPlan
PHAFiscalYear2003
[24CFRPart903.7]

i. AnnualPlanType:

SelectwhichtypeofAnnualPlanthePHAwillsubmit.

StandardPlan

StreamlinedPlan:

- HighPerformingPHA**
 SmallAgency(<250PublicHousingUnits)
 AdministeringSection8Only

TroubledAgencyPlan

ii. ExecutiveSummaryoftheAnnualPHAPlan

[24CFRPart903.79(r)]

ProvideabriefoverviewoftheinformationintheAnnualPlan,includinghighlightsofmajorinitiatives anddiscretionarypolicies,thePHAhasincludedintheAnnualPlan.

The third Year Annual Plan revises Addendum G (Schedule of Other Charges –AllSites)andAddendumJ(PetPolicy)oftheAdmissionsand Occupancy Policy; and, revises the Section 8 Administrative Plan to remove references to the old Section 8 Certificate Program. The previously reported Annual Statement/Performance and Evaluation Reportforthe2001CapitalFundProgram(onlyopenCFPprogram)for theperiod3/31/2002isincludedinthissubmissionwiththeadditionof theCapitalFundProgramforFY2002andtheproposedworkitemsfor FY2003throughFY2006. Clarification was made on Public Housing and Section 8 Housing Choice Vouchers Policy for rent calculations pertaining to the Earned Income Disallowance (EID). The One -Strike Policyforallprogramswasrevised.

2. SummaryofPolicyorProgramChangesfortheUpcoming Year

Inthissection,brieflydescribechangesinpoliciesorprogramsdiscussedinlastyear'sPHAPlanthatarenot coveredinothersectionsofthisUpdate.

The 5 -Year Action Plan has been revised and updated to include the redistributionandadditionofsomeworkitems.TheCFP2002proposed

budget with the newly revised grant amounts is being submitted on the Annual Statement work item format in Parts I, II, and III. The CFP for FY 2006 proposed budget has been added. Changes to the Pet Policy to conform with requirements of the Section 8 New Construction Program; Follow-Up Plan for the Resident Satisfaction Survey; and, Schedule of Other Charges for All Sites have been revised due to upgrade of units as a part of the CFP FY 2000 & FY 2001 programs. The One -Strike Policy now includes reference to sex -offenders.

iii. Annual Plan Table of Contents

[24CFR Part 903.79(r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection .

Table of Contents

	<u>Page#</u>
Annual Plan	
i. Executive Summary	1
ii. Table of Contents	2
1. Housing Needs	5
2. Financial Resources	11
3. Policies on Eligibility, Selection and Admissions	12
4. Rent Determination Policies	22
5. Operations and Management Policies	26
6. Grievance Procedures	28
7. Capital Improvement Needs	29
8. Demolition and Disposition	30
9. Designation of Housing	31
10. Conversions of Public Housing	32
11. Homeownership	34
12. Community Service Programs	36
13. Crime and Safety	38
14. Pets (Inactive for January 1 PHAs)	41
15. Civil Rights Certifications (included with PHA Plan Certifications)	41
16. Audit	41
17. Asset Management	41
18. Other Information	42

Attachments

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a SEPARATE file submission from the PHA Plans file, provide the filename in parentheses in the space to the right of the title.

Required Attachments:

- Admissions Policy for Deconcentration (submitted in FY2000 Plan)
- X FY2001 Capital Fund Program Annual Statement see Attachment "A" tx303a01
- Most recent board - approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

Optional Attachments:

- PHA Management Organizational Chart
- X FY2002 Capital Fund Program 5 - Year Action Plan Attachment "B" tx303b01
- Public Housing Drug Elimination Program (PHDEP) Plan
- X Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text) see Attachment "E"
- X Other
 - Attachment "C" - Resident Member on Board
 - Attachment "D" - Resident Advisory Board Member Names
 - Attachment "E" - Resident Comments on Annual Plan for FY2002
 - Attachment "F" - Pet Ownership Policy Revised May 2002
 - Attachment "G" - Schedule of Other Charges - All Sites
 - Attachment "H" - Follow Up Plan Resident Survey & Satisfaction
 - Attachment "I" - Revised Utility Allowance - Low Rent Family tx303i01
 - Attachment "J" - Section 8 HCV Administrative Plan Revised 5/2002
 - Attachment "K" - Addendum N for Housing Leases and the Section 8 Housing Choice Voucher Program One - Strike Policy Revised May 2002
 - Attachment "L" - Addendum H for Public Housing Lease Rent Calculation Policy Revision regarding Earned Income Disallowance (EID) Revised 5/2002

Supporting Documents Available for Review

Indicate which documents are available for public review by placing a mark in the "Applicable & On Display" column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view	5 Year and Annual Plans

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	
NA	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board -approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan, revised May 2002	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the methodology for setting public housing flat rents X check here if included in the public housing A&O Policy	Annual Plan: Rent Determination
X	Schedule of flat rent soffered each public housing development X check here if included in the public housing A&O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies X check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures X check here if included in the public housing A&O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures X check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
X	The HUD -approved Capital Fund/Comprehensive Grant	Annual Plan: Capital Needs

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	Program Annual Statement (HUD 52837) for the active grant year	
X	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
NA	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
NA	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
NA	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
NA	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
NA	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
NA	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
NA	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
NA	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
NA	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
NA	The most recent Public Housing Drug Elimination Program (PHDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
NA	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
NA	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.79(a)]

A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	1229	NA	NA	NA	NA	NA	NA
Income > 30% but <= 50% of AMI	660	NA	NA	NA	NA	NA	NA
Income > 50% but < 80% of AMI	666	NA	NA	NA	NA	NA	NA
Elderly	424	NA	NA	NA	NA	NA	NA
Families with Disabilities	NA	NA	NA	NA	NA	NA	NA
Race/Ethnicity Black	1278	NA	NA	NA	NA	NA	NA
Race/Ethnicity Hispanic	1648	NA	NA	NA	NA	NA	NA
Race/Ethnicity							
Race/Ethnicity							

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

- Consolidated Plan of the Jurisdiction/s
Indicate year:
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- American Housing Survey data
Indicate year:
- Other housing market study
Indicate year:
- Other sources: (list and indicate year of information)

B. Housing Needs of Families on the Public Housing and Section 8 Tenant-Based Assistance Waiting Lists

State the housing needs of the families on the PHA's waiting list/s. **Complete one table for each type of PHA - wide waiting list administered by the PHA.** PHA may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
X Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	37		181
Extremely low income <= 30% AMI	20	54%	
Very low income (>30% but <=50% AMI)	14	38%	
Low income (>50% but <80% AMI)	3	8%	
Families with children	23	62%	
Elderly families	2	5%	
Families with Disabilities	5	14%	
Race/ethnicity White/Hispanic	20	54%	
Race/ethnicity White/Non-Hispanic	9	24%	
Race/ethnicity Black/Hispanic	0	0%	
Race/ethnicity Black/Non-Hispanic	8	22%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	13	35%	
2BR	17	46%	
3BR	6	16%	
4BR	1	3%	

Housing Needs of Families on the Waiting List			
5BR	NA	NA	
5+BR	NA	NA	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to open the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes			

C. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off -line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed financed development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease -uprates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- Maintain or increase section 8 lease -uprates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease -uprates by effectively screening Section 8 applicants to increase owner acceptance of program
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other (list below)

Throughoutreachhavemoreunitsavailableforassistedhousing

Strategy2:Increasethenumberofaffordablehousingunitsby:

Selectallthatapply

- Applyforadditionalsection8unitsshouldtheybecomeavailable
- Leverageaffordablehousingresourcesinthecommunitythroughthecreation ofmixed -financehousing
- X PursuehousingresourcesotherthanpublichousingorSection8tenant -based assistance.
Workingpartnershipwithotherorganizationstocreateadditional housingthroughprogramsliketheLow -IncomeTaxCreditProgram
- Other:(listbelow)

Need:SpecificFamilyTypes:Familiesatorbelow30%of median

Strategy1:Targetavailableassistancetofamiliesatorbelow30%ofAMI

Selectallthatapply

- ExceedHUDfederaltargetingrequirementsforfamiliesatorbelow30%of AMIinpublichousing
- ExceedHUDfederaltargetingrequirementsforfamiliesatorbelow30%of AMIintenant -basedsection8assistance
- Employadmissionspreferencesaimedatfamilieswiththeconomichardships
- Adoptrentpoliciestosupportandencouragework
- X Other:(listbelow)
Outreachtofamiliesthroughpersonalcontactwithservice -orientated agencies that assist extremely low -incomefamilies.

Need:SpecificFamilyTypes:Familiesatorbelow50%ofmedian

Strategy1:Targetavailableassistanceto familiesatorbelow50%ofAMI

Selectallthatapply

- Employadmissionspreferencesaimedatfamilieswhoareworking
- Adoptrentpoliciestosupportandencouragework
- X Other:(listbelow)
Outreachtofamiliesthroughpersonalcontactwithservice -orientated agencies that assist very low -incomefamilies

Need:SpecificFamilyTypes:TheElderly

Strategy1: Targetavailableassistancetotheelderly:

Select all that apply

- Seek designation of public housing for the elderly
- Apply for special -purpose voucher targeted to the elderly, should they become available
- X Other: (list below)
Outreach to elderly individuals and families through personal contact with service -oriented agencies that assist elderly individuals.

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

- Seek designation of public housing for families with disabilities
- Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- Apply for special -purpose voucher targeted to families with disabilities, should they become available
- Affirmatively market to local non -profit agencies that assist families with disabilities
- X Other: (list below)
Outreach to families with disabilities through personal contact with service-oriented agencies that assist individuals and families with disabilities.

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:

Select if applicable

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- X Other: (list below)
Outreach to minority organizations to increase awareness of housing services and opportunities available.

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- Market the section 8 program to owners outside of areas of poverty/minority concentrations

- X Other:(listbelow)
 Outreachtopotentialclientsandlandlordsinallareasofthecommunity
 tobringawarenessoftherightstoliveanywherewithinthecommunity
 freefromdiscrimination.

OtherHousingNeeds&Strategies:(listneedsandstrategiesbelow)

(2)ReasonsforSelectingStrategies

Ofthefactorslistedbelow,selectallthatinfluencedthePHA'sselectionofthe
 strategiesitwillpursue:

- Fundingconstraints
- Staffingconstraints
- X Limitedavailabilityofsitesforassistedhousing
- Extenttowhichparticularhousingneedsaremetbyotherorganizationsinthe
community
- EvidenceofhousingneedsasdemonstratedintheConsolidatedPlanandother
informationavailabletothePHA
- InfluenceofthehousingmarketonPHAprograms
- Communityprioritiesregardinghousingassistance
- Resultsofconsultationwithlocalorstategovernment
- ResultsofconsultationwithresidentsandtheResidentAdvisoryBoard
- Resultsofconsultationwithadvocacygroups
- Other:(listbelow)

2. StatementofFinancialResources

[24CFRPart903.79(b)]

ListthefinancialresourcesthatareanticipatedtobeavailabletothePHAforthesupportofFederal
 publichousingandtenant-basedSection8assistanceprogramsadministeredbythePHAduringthePlan
 year.Note:thetableassumes thatFederalpublichousingortenantbasedSection8assistancegrant
 fundsareexpendedoneligiblepurposes;therefore,usesofthesefundsneednotbestated.Forother
 funds,indicatetheuseforthosefundsasoneofthefollowingcategories:publichousingoperations,
 publichousingcapitalimprovements,publichousingssafety/security,publichousingssupportiveservices,
 Section8tenant-basedassistance,Section8supportiveservicesorother.

FinancialResources: PlannedSourcesandUses		
Sources	Planned\$	PlannedUses
1. FederalGrants(FY2002grants)		Asstatedinbudgets
a) PublicHousingOperatingFund	260,594	
b) PublicHousingCapitalFund	330,599	
c) HOPEVIR revitalization		
d) HOPEVIDemolition		

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
e) Annual Contributions for Section 8 Tenant -Based Assistance	795,702	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self - Sufficiency Grants		
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
2. Prior Year Federal Grants (unobligated funds only) (list below)		
Capital Fund Program FY 2001 as of 3/31/2002	263,878	As stated in budgets
3. Public Housing Dwelling Rental Income	360,750	As stated in budgets
4. Other income (list below)	35,000	As stated in budgets
4. Non -federal sources (list below)		
Total resources	2,046,523	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24CFR art 903.79(c)]

A. Public Housing

Exemptions: PHA that do not administer public housing are not required to complete subcomponent 3A.

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- X Other: (describe)
Upon application and updates of current application prior to housing.

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

- X Criminal or Drug-related activity
- Rental history
- X Housekeeping
- Other (describe)

c. X Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d. X Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e. Yes X No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC authorized source)

(2) Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- X Community-wide list
- Sub-jurisdictional lists
- Site-based waiting lists
- Other (describe)

b. Where may interested persons apply for admission to public housing?

- X PHA main administrative office
- PHA development site management office
- Other (list below)

c. If the PHA plan to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

2. Yes No: Are any of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously HUD-approved site-based waiting list plan)?
If yes, how many lists?

3. Yes No: May families be on more than one list simultaneously?
If yes, how many lists?

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?

- PHA main administrative office
- All PHA development management offices
- Management offices at developments with site-based waiting lists
- At the development to which they would like to apply
- Other (list below)

(3) Assignment

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

- One
- Two
- Three or More

b. Yes No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

a. Income targeting:

Yes No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfer take precedence over new admissions? (list below)

- X Emergencies
- X Overhoused
- X Underhoused
- X Medical justification
- X Administrative reasons determined by the PHA (e.g., to permit modernization work)
- Resident choice: (state circumstances below)
- Other: (list below)

c. Preferences

1. Yes No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection (5) **Occupancy**)
2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in the jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either

through an absolute hierarchy or through a points system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

Date and Time

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in the jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

4. Relationship of preferences to income targeting requirements:

- The PHA applies preferences within income tiers
- Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Occupancy

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

- X The PHA - resident lease
- X The PHA's Admissions and Continued Occupancy policy
- PHA briefing seminars or written materials
- Other source (list)

b. How often must residents notify the PHA of changes in family composition? (select all that apply)

- X At an annual reexamination and lease renewal
- X Anytime family composition changes
- At family request for revision
- Other (list)

(6) Deconcentration and Income Mixing

Component 3, (6) Deconcentration and Income Mixing

- a. Yes No: Does the PHA have any general occupancy (family) public housing developments covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.
- b. Yes No: Do any of these covered developments have average incomes above or below 85% to 115% of the average incomes of all such developments? If no, this section is complete.

If yes, list these developments as follows:

Deconcentration Policy for Covered Developments			
Development Name :	Number of Units	Explanation (if any) [see step 4 at §903.2(c)(1)(iv)]	Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)]

B. Section 8

Exemptions: PHA that do not administer section 8 are not required to complete sub-component 3B. Unless otherwise specified, all questions in this section apply only to the tenant assistance program (vouchers, and until completely merged into the voucher program, certificates).

(1) Eligibility

- a. What is the extent of screening conducted by the PHA? (select all that apply)

- X Criminal or drug -related activity only to the extent required by law or regulation
- Criminal and drug -related activity, more extensively than required by law or regulation
- More general screening than criminal and drug -related activity (list factors below)
- Other (list below)

b. X Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

c. X Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

d. Yes X No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC - authorized source)

e. Indicate what kinds of information you share with prospective landlords? (select all that apply)

- Criminal or drug -related activity
- X Other (describe below)
 - Former public and/or assisted housing resident
 - Previous Landlord, if known
 - If disqualified for program will advise reason(s)

(2) Waiting List Organization

a. With which of the following program waiting lists is the section 8 tenant -based assistance waiting list merged? (select all that apply)

- None
- X Federal public housing
- Federal moderate rehabilitation
- Federal project -based certificate program
- Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant -based assistance? (select all that apply)

- X PHA main administrative office
- Other (list below)

(3) Search Time

a. X Yes No: Does the PHA give exceptions on standard 60 -day period to search for a unit?

If yes, state circumstances below:

Disability/mobility/reasonable accommodation
Lack of available housing in area

(4) Admissions Preferences

a. Income targeting

Yes X No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1. Yes X No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Household that contribute to meeting income goals (broad range of incomes)
- Household that contribute to meeting income requirements (targeting)

- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)
 “First -come, First -served” applicants leasing in place with an approvable unit

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a points system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

1 Date and Time

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Household that contributes to meeting income goals (broad range of incomes)
- Household that contributes to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)
 “1” –Applicant leasing in place and ready for assistance in approvable unit

4. Among applicants on the waiting list with the equal preference status, how are applicants selected? (select one)

- Date and time of application
- Drawing (lottery) or other random choice technique

5.IfthePHAplanstoemploypreferencesfor“residentstwholiveand/orworkinthe jurisdiction”(selectone)

- This preference has previously been reviewed and approved by HUD
- The PHA requests approval for this preference through this PHA Plan

6.Relationshipofpreferencesto incometargeting requirements:(selectone)

- The PHA applies preferences within income tiers
- Not applicable: the pool of applicant families ensure that the PHA will meet income targeting requirements

(5)SpecialPurposeSection8AssistancePrograms

a.Inwhichdocumentsorotherreferencematerialsarethepoliciesgoverning eligibility,selection,andadmissionstoanyspecial -purpose section8 program administeredbythePHAcontained?(selectallthatapply)

- The Section 8 Administrative Plan
- Briefing sessions and written materials
- X Other (list below)
NospecialpurposeSection8housingprogramsadministered

b. HowdoesthePHAannouncetheavailabilityofanyspecial -purpose section8 programstothe public?

- Through published notices
- X Other (list below)
NospecialpurposeSection8housingprogramsadministered

4.PHARentDeterminationPolicies

[24CFRPart903.79(d)]

A.PublicHousing

Exemptions: PHA that do not administer public housing are not required to complete sub -component 4A.

(1)IncomeBasedRentPolicies

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

The PHA will not employ any discretionary rent setting policies for income based rent in public housing. Income based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

- \$0
- \$1-\$25
- \$26-\$50

2. Yes No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below :

c. Rents set at less than 30% than adjusted income

1. Yes No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

- For the earned income of a previously unemployed household member
- For increases in earned income
- Fixed amount (other than general rent setting policy)
If yes, state amount/s and circumstances below:

Fixed percentage (other than general rent setting policy)

If yes, state percentage/s and circumstances below:

- For household heads
- For other family members
- For transportation expenses
- For the non-reimbursed medical expenses of non-disabled or non-elderly families
- Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)

- Yes for all developments
- Yes but only for some developments
- X No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

- For all developments
- For all general occupancy developments (not elderly or disabled or elderly only)
- For specified general occupancy developments
- For certain parts of developments; e.g., the high-rise portion
- For certain size units; e.g., larger bedroom sizes
- Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

- Market comparability study
- Fair market rents (FMR)
- 95th percentile rents
- 75 percent of operating costs
- 100 percent of operating costs for general occupancy (family) developments
- Operating costs plus debt service
- The "rental value" of the unit
- Other (list below)

f. Rent determination:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

- Never
- At family option
- Anytime the family experiences an income increase
- Anytime a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold) \$400.00 per month
- Other (list below)

g. Yes No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

(2) Flat Rents

1. In setting the market -based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

- These section 8 rent reasonable needs study of comparable housing
- Survey of rents listed in local newspaper
- Survey of similar unassisted units in the neighborhood
- Other (list/describe below)

B. Section 8 Tenant -Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant -based assistance are not required to complete sub -component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant -based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Payment Standards

Describe the voucher payment standards and policies .

a. What is the PHA's payment standard? (select the category that best describes your standard)

- At or above 90% but below 100% of FMR
- 100% of FMR
- Above 100% but at or below 110% of FMR
- Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

- FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- The PHA has chosen to serve additional families by lowering the payment standard
- Reflects market or submarket
- Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- Reflects market or submarket
- To increase housing options for families
- Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

- Annually
- Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- Success rates of assisted families
- Rent burden of assisted families
- Other (list below)

(2) Minimum Rent

a. What amount best reflects the PHA's minimum rent? (select one)

- \$0
- \$1-\$25
- \$26-\$50

b. Yes No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

5. Operations and Management

[24CFR Part 903.79(e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

EXEMPT

A. PHA Management Structure

Describe the PHA's management structure and organization.

(select one)

- An organization chart showing the PHA's management structure and organization is attached.
- A brief description of the management structure and organization of the PHA follows:

B. HUD Programs Under PHA Management

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use "NA" to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing		
Section 8 Vouchers		
Section 8 Certificates		
Section 8 Mod Rehab		
Special Purpose Section 8 Certificates/Vouchers (list individually)		
Public Housing Drug Elimination Program (PHDEP)		
Other Federal Programs (list individually)		

C. Management and Maintenance Policies

List the PHA's public housing management and maintenance policy documents, manuals and handbooks that contain the Agency's rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

(1) Public Housing Maintenance and Management: (list below)

(2) Section 8 Management: (list below)

6. PHA Grievance Procedures

[24 CFR Part 903.79(f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8 - Only PHAs are exempt from sub - component 6A.

A. Public Housing

1. Yes No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA offices should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- PHA main administrative office
 PHA development management offices
 Other (list below)

B. Section 8 Tenant -Based Assistance

1. Yes No: Has the PHA established informal review procedures for applicants to the Section 8 tenant -based assistance program and informal hearing procedures for families assisted by the Section 8 tenant -based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

2. Which PHA offices should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)

- PHA main administrative office
 Other (list below)

7. Capital Improvement Needs

[24CFR Part 903.79(g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

A. Capital Fund Activities

Exemptions from sub-component 7A: PHA that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

(1) Capital Fund Program Annual Statement

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure long-term physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one:

- The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment "A" tx303a01
-or-
 The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert there)

(2) Optional 5-Year Action Plan

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5-Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

- a. X Yes No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund? (if no, skip to sub-component 7B)

b. If yes to question a, select one:

- The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment "B" tx303b01
-or-

- The Capital Fund Program 5 - Year Action Plan is provided below: (if selected, copy the CF P optional 5 Year Action Plan from the Table Library and insert here)

B. HOPEVI and Public Housing Development and Replacement Activities (Non -Capital Fund)

Applicability of sub -component 7B: All PHAs administering public housing. Identify any approved HOPEVI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

- Yes No: a) Has the PHA received a HOPEVI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
- b) Status of HOPEVI revitalization grant (complete one set of questions for each grant)

1. Development name:

2. Development (project) number:

3. Status of grant: (select the statement that best describes the current status)

- Revitalization Plan under development
- Revitalization Plan submitted, pending approval
- Revitalization Plan approved
- Activities pursuant to an approved Revitalization Plan underway

- Yes No: c) Does the PHA plan to apply for a HOPEVI Revitalization grant in the Plan year?

If yes, list development name/s below:

- Yes No: d) Will the PHA be engaging in any mixed -financed development activities for public housing in the Plan year?
- If yes, list developments or activities below:

- Yes No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?

If yes, list developments or activities below:

8. Demolition and Disposition

[24CFR Part 903.79(h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1. Yes No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If "No", skip to component 9; if "yes", complete one activity description for each development.)

2. Activity Description

- Yes No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If "yes", skip to component 9. If "No", complete the Activity Description table below.)

Demolition/Disposition Activity Description	
1a. Development name:	
1b. Development (project) number:	
2. Activity type: Demolition <input type="checkbox"/>	
Disposition <input type="checkbox"/>	
3. Application status (select one)	
Approved <input type="checkbox"/>	
Submitted, pending approval <input type="checkbox"/>	
Planned application <input type="checkbox"/>	
4. Date application approved, submitted, or planned for submission: (DD/MM/YY)	
5. Number of units affected:	
6. Coverage of action (select one)	
<input type="checkbox"/> Part of the development	
<input type="checkbox"/> Total development	
7. Timeline for activity:	
a. Actual or projected start date of activity:	
b. Projected end date of activity:	

9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities

[24CFR Part 903.79(i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1. Yes No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

Designation of Public Housing Activity Description	
1a. Development name:	
1b. Development (project) number:	
2. Designation type:	
Occupancy by only the elderly	<input type="checkbox"/>
Occupancy by families with disabilities	<input type="checkbox"/>
Occupancy by only elderly families and families with disabilities	<input type="checkbox"/>
3. Application status (select one)	
Approved; included in the PHA’s Designation Plan	<input type="checkbox"/>
Submitted, pending approval	<input type="checkbox"/>
Planned application	<input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission: (DD/MM/YY)	
5. If approved, will this designation constitute a (select one)	
<input type="checkbox"/> New Designation Plan	
<input type="checkbox"/> Revision of a previously -approved Designation Plan?	
6. Number of units affected:	
7. Coverage of action (select one)	

<input type="checkbox"/> Part of the development
<input type="checkbox"/> Total development

10. Conversion of Public Housing to Tenant -Based Assistance

[24CFR Part 903.79(j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

A. Assessment of Reasonable Revitalization Pursuant to section 202 of the HUD FY1996 HUD Appropriations Act

1. Yes No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete as streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If "yes", skip to component 11. If "No", complete the Activity Description table below.

Conversion of Public Housing Activity Description	
1a. Development name: Seguin Housing Authority	
1b. Development (project) number: TX303P001,003	
2. What is the status of the required assessment?	
<input type="checkbox"/> Assessment underway <input checked="" type="checkbox"/> Assessment results submitted to HUD on November 26, 2001 <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other(explain below)	
3. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)	
4. Status of Conversion Plan (select the statement that best describes the current status)	
<input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY)	

<input type="checkbox"/> Activities pursuant to HUD -approved Conversion Plan underway
<p>5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)</p> <p><input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: _____)</p> <p><input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: _____)</p> <p><input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: _____)</p> <p><input checked="" type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent</p> <p><input checked="" type="checkbox"/> Requirements no longer applicable: site now has less than 300 units</p> <p><input type="checkbox"/> Other: (describe below)</p>

B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937

- a. How many of the PHA's developments are subject to the Required Initial Assessments? 1
- b. How many of the PHA's developments are not subject to the Required Initial Assessments based on exemptions (e.g., elderly and/or disabled developments not general occupancy projects)? 0
- c. How many Assessments were conducted for the PHA's covered developments? All necessary areas were surveyed.
- d. Identify PHA developments that may be appropriate for conversions based on the Required Initial Assessments: These developments are NOT APPROPRIATE FOR CONVERSION per the survey conducted.

Development Name	Number of Units
TX303P001	178 (90 are elderly)
TX303P003	10

e. If the PHA has not completed the Required Initial Assessments, describe the status of these assessments: Assessment has been completed

C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937

11.HomeownershipProgramsAdministeredbythePHA

[24CFRPart903.79(k)]

A.PublicHousing

ExemptionsfromComponent11A:Section8onlyPHAsarenotrequiredtocomplete11A.

1. Yes No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z -4). (If "No", skip to component 11B; if "yes", complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If "yes", skip to component 12. If "No", complete the Activity Description table below.)

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPEI <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA's Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

B. Section 8 Tenant Based Assistance

1. Yes No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982? (If "No", skip to component 12; if "yes", describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description:

a. Size of Program

- Yes No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants
 26- 50 participants
 51 to 100 participants
 more than 100 participants

b. PHA -established eligibility criteria

- Yes No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria below:

12. PHA Community Service and Self -sufficiency Programs

[24 CFR Part 903.79(1)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8 -Only PHAs are not required to complete sub -component C.

EXEMPT

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

Yes No: Has the PHA entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? DD/MM/YY

2. Other coordination efforts between the PHA and TANF Agency (select all that apply)

- Client referrals
- Information sharing regarding mutual clients (for rent determinations and otherwise)
- Coordinate the provision of specific social and self-sufficiency services and programsto eligible families
- Jointly administer programs
- Partner to administer a HUD Welfare-to-Work voucher program
- Joint administration of other demonstration program
- Other (describe)

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

- Public housing rent determination policies
- Public housing admissions policies
- Section 8 admissions policies
- Preference in admission to section 8 for certain public housing families
- Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- Preference/eligibility for public housing homeownership option participation
- Preference/eligibility for section 8 homeownership option participation
- Other policies (list below)

b. Economic and Social self-sufficiency programs

Yes No: Does the PHA coordinate, promote or provide any programsto enhance the economic and social self-sufficiency of residents? (If "yes", complete the following

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- Informing residents of new policy on admission and reexamination
- Actively notifying residents of new policy at times in addition to admission and reexamination.
- Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other: (list below)

D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937

13. PHA Safety and Crime Prevention Measures

[24CFR Part 903.79(m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8. Only PHAs may skip to component 15. High performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub component D.

EXEMPT – NOT PARTICIPATING IN PHDEP

A. Need for measures to ensure the safety of public housing residents

1. Describe the need for measures to ensure the safety of public housing residents (select all that apply)

- High incidence of violent and/or drug -related crime in some or all of the PHA's developments
- High incidence of violent and/or drug -related crime in the area surrounding or adjacent to the PHA's developments
- Residents fearful for their safety and/or the safety of their children
- Observed lower -level crime, vandalism and/or graffiti
- People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug -related crime
- Other (describe below)

2. What information or data did the PHA use to determine the need for PHA actions to improve safety of residents (select all that apply).

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed "in and around" public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anti-crime/anti-drug programs
- Other (describe below)

3. Which developments are most affected? (list below)

B. Crime and Drug Prevention activities the PHA has undertaken or plan to undertake in the next PHA fiscal year

1. List the crime prevention activities the PHA has undertaken or plan to undertake: (select all that apply)

- Contracting with outside and/or resident organizations for the provision of crime- and/or drug -prevention activities
- Crime Prevention Through Environmental Design
- Activities targeted to at -risk youth, adults, or seniors
- Volunteer Resident Patrol/Block Watchers Program
- Other (describe below)

2. Which developments are most affected? (list below)

C. Coordination between PHA and the police

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

- Police involvement in development, implementation, and/or ongoing evaluation of drug -elimination plan
- Police provide crime data to housing authority staff for analysis and action
- Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- Police regularly testify in and otherwise support eviction cases
- Police regularly meet with the PHA management and residents
- Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
- Other activities (list below)

2. Which developments are most affected? (list below)

D. Additional information as required by PHDEP/PHDEP Plan

PHA eligible for FY2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes No: Has the PHA included the PHDEP Plan for FY2002 in this PHA Plan?
- Yes No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

14. RESERVED FOR PET POLICY

[24CFR Part 903.79(n)]

See Attachment "F" – Revised Pet Policy

15. Civil Rights Certifications

[24CFR Part 903.79(o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

16. Fiscal Audit

[24CFR Part 903.79(p)]

- 1. Yes No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))? (If no, skip to component 17.)
- 2. Yes No: Was the most recent fiscal audit submitted to HUD?
- 3. Yes No: Were there any findings as the result of that audit?
- 4. Yes No: If there were any findings, do any remain unresolved? If yes, how many unresolved findings remain? ____
- 5. Yes No: Have responses to any unresolved findings been submitted to HUD? If not, when are they due (state below)?

17. PHA Asset Management

[24CFR Part 903.79(q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component. High performing and small PHAs are not required to complete this component.

EXEMPT

- 1. Yes No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?

- 2. What types of asset management activities will the PHA undertake? (select all that apply)
 - Not applicable
 - Private management
 - Development-based accounting
 - Comprehensive stock assessment
 - Other: (list below)

- 3. Yes No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

18. Other Information

[24CFR Part 903.79(r)]

2. Resident Advisory Board Recommendations (pending Public Hearing 5/23/02)

See Attachment " D" for names of Resident Advisory Board Members

- 1 Yes No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?

- 2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)
 - Attached at Attachment "E" identifies that no comments were made
 - Provided below:

- 3. In what manner did the PHA address those comments? (select all that apply)
 - Considered comments, but determined that no changes to the PHA Plan were necessary.
 - The PHA changed portions of the PHA Plan in response to comments
List changes below:

Other:(listbelow)

B.DescriptionofElectionprocessforResidentsonthePHABoard

1. YesXNo: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
2. YesXNo: Was the resident who serves on the PHA Board elected by residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

a. Nomination of candidates for place on the ballot: (select all that apply)

- Candidates were nominated by resident and assisted family organizations
- Candidates could be nominated by any adult recipient of PHA assistance
- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- X Other: (describe)
Mayor appointment – See Attachment “C” for information on Board Member

b. Eligible candidates: (select one)

- Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance
- Any adult member of a resident or assisted family organization
- Other (list)

c. Eligible voters: (select all that apply)

- All adult recipients of PHA assistance (public housing and section 8 tenant based assistance)
- Representatives of all PHA resident and assisted family organizations
- Other (list)

C. Statement of Consistency with the Consolidated Plan

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: State of Texas

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)

- Other: (list below)

2. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: State of Texas (manually submitted to HUD Field Office)

D. Other Information Required by HUD

Use this section to provide any additional information requested by HUD.

No substantial deviations from FY2001 submission

Attachments

Use this section to provide any additional attachments referenced in the Plans.

Attachments are included at the end of this transmission under tx303v01 except where noted due to Excel spreadsheet format.

Attachment "A" – Annual Statement for 2001 CFP programs
See tx303a01

Attachment "B" – Five (5) Year Action Plan for FY 2002 through 2006
See tx303b01

Attachment "C" – Resident Member on Board

Attachment "D" – Resident Advisory Board Member names

Attachment "E" – Resident Comments on Annual Plan for FY 2002

Attachment "F" – Pet Ownership Policy Revised 5/2002

Attachment "G" – Schedule of Other Charges – All Sites

Attachment "H" – Follow -Up Plan – Resident Survey and Satisfaction
Assessment

Attachment "I" – Revised Utility Allowances for Public Housing Revised
5/2002 see tx303i01

Attachment "J" – Section 8 Housing Choice Vouchers Administrative
Plan Revised 5/2002

Attachment "K" – Addendum N for Housing Leases and the Section 8
Housing Choice Voucher Program One - Strike Policy
Revised 5/2002

Attachment "L" – Addendum H for Public Housing Lease Rent
Calculation Policy Revision 5/2002

Required Attachment "C": Resident Member on the PHA Governing Board

1. X Yes No: Does the PHA governing board include at least one member who is directly assisted by the PHA this year? (if no, skip to #2)

A. Name of resident member(s) on the governing board:
Floyd Jody Frost

How was the resident board member selected: (select one)?

- Elected
X Appointed

C. The term of appointment is (include the date term expires): 2 years expiring 09/30/2003

2. A. If the PHA governing board does not have at least one member who is directly assisted by the PHA, why not?

- the PHA is located in a State that requires the members of a governing board to be salaried and serve on a full-time basis
- the PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.
- Other (explain):

B. Date of next term expiration of a governing board member:

C. Name and title of appointing official(s) for governing board (indicate appointing official for the next position):

Mark Stautzenberger – Mayor of the City of Seguin

Required Attachment “D”: Membership of the Resident Advisory Board or Boards

List members of the Resident Advisory Board or Boards: (If the list would be unreasonably long, list organizations represented or otherwise provide a description sufficient to identify how members are chosen.)

Margaret Wendland
Edna Friedeck
Janie Medina
Andrew Lopez
Inez Villarreal
Dorothy Elkins Jackson
Audrey Davila
Rosa Thomas
Francis Scofield
Esmeralda Shannon
Dorothy Wyatt

Membership is on a volunteer basis.

Attachment E: Comments of Resident Advisory Board or Boards & Explanation of PHA Response Annual Plan FY2001

Nine persons, including the Seguin Housing Authority Board of Commissioners, attended the Public Hearing.

No written comments were received during the 45 -day comment period.

No verbal comments were made during the public hearing.

Attachment "F" Revised Pet Policy

Addendum J

PET OWNERSHIP POLICY

A. Pet Rules

The following rules shall apply for the keeping of pets by Residents living in the units operated by the Seguin Housing Authority. These rules do not apply to animals used by persons with disabilities.

1. Common household pets as authorized by this policy means a domesticated animal, such as cats, dogs, fish, birds, rodents (including rabbits), and turtles, that are traditionally kept in the home for pleasure rather than for commercial purposes. This policy specifically excludes snakes, rodents, parrots, and fish tanks in excess of a 10 gallon capacity.
 - a. Exclusion for animals that assist the handicapped as certified by a physician or other certified health care professional. Animals that are used to assist handicapped persons (e.g., guide dogs for persons with vision impairments, hearing dogs for persons with hearing impairments, and emotional support animals for persons with chronic mental illness) unless such animals violate State and/or local laws if they apply.
 - o The exclusion applies to an animal that resides in elderly or handicapped complexes/units, and to animals that are used to assist handicapped persons that visit these complexes/units.
 - 2) Applicants/tenants need to qualify for this exclusion by certifying to the following items. If the applicant/tenant certifies to the following exclusion will be granted.
 - o The tenant or a member of his/her family is handicapped, and
 - o The animal has been trained to assist persons with that specific handicap, and
 - o The animal actually assists the handicapped individual.
 - b. An applicant for tenancy in a complex for the elderly or handicapped may reject a unit offered by the housing authority if the unit is in close proximity to a dwelling unit where an existing tenant owns or keeps a common household pet.
 - 1) In applicant's rejection of a unit under this section will not adversely affect his/her application for tenancy in the complex, i.e., his/her position on the housing authority waiting list, qualification for any tenant selection preference, etc.

2) Applicant's rejection of a suitable dwelling unit does not impose a duty on the housing authority to provide alternate dwelling units to existing or prospective tenants due to the proximity of common household pets to a particular unit or the presence of pets in the complex.

2. Residents will register their pets with the Authority **BEFORE** it is brought onto the Authority premises, and will update the registration annually. The registration will include: (*Appendix 1*)
- a. Information sufficient to identify the pet and to demonstrate that it is a common household pet and a picture;
 - b. A certificate signed by a licensed veterinarian or a State or Local Authority empowered to inoculate animals, stating that the pet has received all inoculations required by applicable State and Local Law;
 - c. The name, address, and telephone number of two (2) or more responsible parties who will care for the pet if the pet owner dies, is incapacitated, or is otherwise unable to care for the pet.
 - d. The registration will be updated annually at the annual re-examination of Residents' income.
 - e. A Resident Acknowledgement statement and Certification indicating that the pet owner has read the pet rules and agrees to comply with them; (*Appendix 2*)
 - f. The Authority may refuse to register a pet if:
 - 1) The pet is not a common household pet;
 - 2) The keeping of the pet would violate any applicable house pet rule;
 - 3) The pet owner fails to provide complete pet registration information;
 - 4) The pet owner fails annually to update the pet registration;
 - 5) The Authority reasonably determines, based on the pet owners' habits and practices and the pet's temperament, that the pet owner will be unable to keep the pet in compliance with the pet rules and other legal obligations;
 - g. The Authority will notify the pet owner in writing if the Authority refuses to register a pet. The notice will:
 - 1) State the reasons for refusing to register the pet;
 - a) A pet is not a common household pet.
 - b) Keeping a pet would violate an applicable pet rule.
 - c) A pet owner fails to provide complete pet registration information or fails annually to update the pet registration.

- d) The housing authority reasonably determines based on the pet owner's habits and practices, that a pet owner will be unable to keep the pet in compliance with the pet rules and other lease obligations.
 - e) A pet's temperament may be considered as a factor in determining the prospective/current pet owner's ability to comply with the pet rules and other lease obligations.
 - 2) Be served on the pet owner in accordance with procedure outlined in paragraph B1 of this policy; and
 - 3) Be combined with a notice of a pet rule violation if appropriate.
- 3. Cats and dogs shall be limited to small breeds where total adult weight shall not exceed twenty (20) pounds and total full -grown height shall not exceed twelve (12) inches.
- 4. No chows, pit bulls, German police dogs, vicious, intimidating, or any other known fighter breed will be allowed on the premises.
- 5. Dogsto aid seeing and/or hearing impaired residents are exempt from rules #3 & #4. A certification from a licensed practitioner is required showing proof of impairment.
- 6. All cat and dog pets shall be neutered or spayed, and verified by veterinarian, cost to be paid by the owner. Pet owners will be required to present a certificate of health from their veterinarian verifying all required annual vaccines, initially and at re-examination.
- 7. A \$300.00 refundable pet deposit for a dog or cat shall be made to the Housing Authority. The pet deposit will be used to cover cost of damages or fumigation as a result of pet ownership. The pet deposit will be refunded minus any applicable charges, including cost of pet care facilities, within thirty (30) days after resident vacates the unit and all keys are returned or the pet is permanently removed from the unit.
 - a) A gradual accumulation of the pet deposit may be made on a case -by-case basis with the minimum down payment being \$50.00 and monthly down payments of at least \$10.00 per month till the deposit is paid in full.
 - b) Market renters are required to pay the pet deposit in full prior to the pet being brought on housing authority premises.
 - c) For residents of an elderly complex the pet deposit may not exceed the cost of one month's rent at the time the pet is brought to the premises.
- 8. Pets shall be quartered in the Residents unit and only one (1) pet will be allowed per household at a time with the exception of a maximum of two (2) birds or one (1) fish tank.
- 9. Dogs and cats shall be kept on a leash or in a locked pet carrier and controlled by a responsible individual when taken outside. For purposes of this Addendum a responsible individual is defined as an adult.
- 10. The dog or cat must wear a collar at all times showing the owner's name and

address plus a flea collar.

11. The dog or cat must be housebroken at the time of the pet application.
12. No dog houses will be allowed on the premises.
13. Pets (dogs and cats), shall be allowed to run only on the pet owner's lawn and owners will clean up after pets EACH time they have been outside of the resident's unit. A pet waste removal fee of \$5.00 per occurrence will be charged each time and for each location that maintenance employees are required to remove waste from authority premises.
14. The City Ordinance concerning pets will be complied with.
15. Pets shall be removed from the premises when their conduct or condition is duly determined to constitute a nuisance or a threat to the health and safety of the pet owner and occupants of the Authority in accordance with paragraph B3 below.
16. Birds must be kept in regular birdcages not to exceed three (3) feet high and two (2) feet wide and not allowed to fly throughout the unit.
17. Litter boxes must be cleaned daily and cat litters shall be changed at least once a week. Birdcages must be cleaned daily. Fish tanks need to be cleaned on a regular basis. Any debris shall be disposed of in a securely tied plastic bag to be placed in the Housing Authority provided trash receptacles daily.
18. Pet owners must be aware when cleaning or filling fish tanks regardless of size that water damages done to the apartment or apartments under him/her will be billed to the pet owner and any charges must be paid within 30 days of the incident.
19. A dog or cat may not be left alone in the apartment for more than one (1) day; bird(s) may not be left alone for more than two (2) days; and, fish for more than one (1) week. It is the responsibility of the tenant should he/she be away overnight or leave suddenly to take the pet elsewhere until they return. Exception: Fish bowl/ tank may stay in the unit if the tenant has made arrangements for daily care of the fish and notified the Housing Authority office of the name and phone number of the care provider. For any periods in excess of these time periods it will be considered a violation of this agreement and the pet(s) will be removed from the unit at the owner's expense.
 - a) If the health or safety of a pet is threatened by the death or incapacity of the pet owner or by other factors that render a pet owner unable to care for the pet, the housing authority may contact the following party or parties below to care for or to remove the pet:
 - 1) Party or parties the tenant has listed in the pet registration.
 - 2) Appropriate State or local authority to request the removal of the pet.

- The responsible party or parties are unwilling or unable to care for the pet.
 - The housing authority, despite reasonable efforts, has been unable to contact the responsible party or parties.
- b) The housing authority may enter the pet owner's unit, remove the pet, and place the pet in a facility (for no longer than 30 days) until the pet owner or a representative of the pet owner is able to assume responsibility for the pet if:
- 1) There is no State or local authority authorized to remove a pet under these circumstances, and
 - 2) The housing authority has placed a provision in the lease.
 - 3) The pet owner shall pay for the cost of the animal care facility provided the pet owner (or the pet owner's estate) is unable or unwilling to pay, the cost of the animal care facility may be paid from the pet deposit upon close out of the tenant's account, if a pet deposit was collected as stated in the pet rules.
20. Each resident family will be allowed to house only one (1) animal at any time. Visiting guests with pets and/or "petsitting" will not be allowed.
21. Dishes or containers for food and water will be located within the owner's apartment. Food and/or table scraps, will not be deposited on the owners porches, balconies, or yards.
22. Residents will not feed or water stray animals or wild animals. The feeding of any stray animals shall constitute having a pet without written permission of the Authority.
23. Pets will not be allowed on specified common areas (under clotheslines, social rooms, office, maintenance space, etc.).
24. Pet(s) shall not disturb, interfere or diminish the peaceful enjoyment of other tenants. The terms "disturb, interfere or diminish" shall include but not be limited to barking, howling, chirping, biting, scratching and other like activities. This includes any pets that make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more therefore disturbing any person at any time of the day or night. The Housing Authority will terminate this authorization if a pet disturbs other tenants under this section of the lease addendum. The Tenant/Owner will be given one week to make other arrangements for the care of the pet or the dwelling lease will be terminated.
25. Each resident family will be responsible for the noise or odor caused by their pet. Noxious odors can cause health problems and will not be tolerated.
26. The Tenant/Owner shall have pets restrained so that maintenance can be performed in the apartment. The Tenant, shall whenever an inspection or maintenance is scheduled, either be at home or shall have all animals restrained or caged. If a maintenance person enters an apartment where an animal is not

restrained, maintenance shall not be performed. If this same situation occurs again, the pet shall be removed from the premises.

27. Pets may not be used for any commercial purposes.
28. The housing authority may not refuse to register a pet based on a determination that the pet's owner is financially unable to care for the pet, or a determination that the pet's therapeutic value is inappropriate to the pet owner or the interest of the property or existing tenants.
29. The housing authority pet rules (mandatory and discretionary) must not conflict with State or local laws or regulations governing pets. If a conflict exists, the State or local laws or regulations must be applied. However, if the pet rules fail to include applicable State or local laws or regulations, this does not relieve a pet owner of their responsibility to comply with them.

B. Pet Violation Procedure

1. **NOTICE OF PET RULE VIOLATION (Appendix 3):** When the Authority determines on the basis of objective facts supported by written statements, that a pet owner has violated one or more of these rules governing the owning or keeping of pets, the Authority will:
 - a. Serve a notice of the pet rule violation on the owner by sending a letter by first class mail, properly stamped and addressed to the Resident at the leased dwelling unit, with a proper return address, or serve a copy of the notice on any adult answering the door at the Residents' leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by attaching the notice to the door;
 - b. The notice of pet rule violation must contain a brief statement of the factual basis for the determination and the pet rule or rules alleged to be violated;
 - c. The notice must state that the pet owner has ten (10) days from the effective date of service of notice to correct the violation (including, in appropriate circumstances, removal of the pet) or to make a written request for a meeting to discuss the violation, (the effective date of service is that day that the notice is delivered or mailed, or in the case of service by posting, on the day that the notice was initially posted);
 - d. The notice must state that the pet owner is entitled to be accompanied by another person on his or her choice at the meeting;
 - e. The notice must state that the pet owners' failure to correct the violation, to request a meeting, or to appear at a requested meeting may result in initiation of procedures to terminate the pet owners' residency.
2. **PET RULE VIOLATION MEETING:** If the pet owner makes a timely request for a meeting to discuss an alleged pet rule violation, the Authority shall establish a mutually agreeable time and place for the meeting to be held within fifteen (15) days from the effective date of service of the notice of pet rule violation (unless the Authority agrees to a later date).
 - a. The Authority and the pet owner shall discuss any alleged pet rule

violation and attempt to correct it and reach an agreeable understanding.

- b. The Authority may, as a result of the meeting, give the pet owner additional time to correct the violation.
- c. Whatever decision or agreements, if any, are made will be reduced to writing, signed by both parties, with one copy for the pet owner and one copy placed in the Authority's Resident file.

3. NOTICE OF PET REMOVAL: If the pet owner and the Authority are unable to resolve the pet rule violation at the pet rule violation meeting, or if the Authority determines that the pet owner has failed to correct the pet rule violation within any additional time provided for this purpose under paragraph B1 above (or at the meeting, if appropriate), requiring the pet owner to remove the pet. This notice must:

- a. Contain a brief statement of the factual basis for the determination and the pet rule or rules that have been violated;
- b. State that the pet owner must remove the pet within ten (10) days of the effective date of service of notice or pet removal (or the meeting, if the notice is served at the meeting);
- c. State the failure to remove the pet may result in initiation of procedures to terminate the pet owners' residency.

4. INITIATION OF PROCEDURE TO TERMINATE PET OWNERS RESIDENCY:

The Authority will not initiate procedure to terminate a pet owners' residency based on a pet rule violation unless:

- a. The pet owner has failed to remove the pet or correct the pet rule violation within the applicable time period specified in paragraph 3b above;
- b. The pet rule violation is sufficient to begin procedures to terminate the pet owners' residency under the terms of the lease and application regulations;
- c. Provisions of Resident's Lease, Section XV: "Termination of Lease" will apply in all cases.

C. Protection of the Pet

- 1. If the health or safety of a pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet, the Authority may:
 - a. Contact the responsible party or parties listed in the registration form and ask that they assume responsibility for the pet;
 - b. If the responsible party or parties are unwilling or unable to care for the pet, the Authority may contact the appropriate State or Local Authority (or designated agent of such Authority) and request the removal of the pet;
 - c. If the Authority is unable to contact the responsible parties despite reasonable efforts, action as outlined in 1b above will be followed; and

- d. If none of the above actions reap results, the Authority may enter the pet owners' unit, remove the pet, and place the pet in a facility that will provide care and shelter until the pet owner or a representative of the pet owner is able to assume responsibility for the pet, but no longer than thirty (30) days. The cost of the animal care facility provided under this section shall be borne by the pet owner.

D. NUISANCE OR THREAT TO HEALTH OR SAFETY

Nothing in this policy prohibits the Authority or the Appropriate City Authority from requiring the removal of any pet from the Authority property. If the pet's conduct or condition is duly determined to constitute, under the provisions of State or Local Law, a nuisance or a threat to the health or safety of other occupants of the Authority property or of other persons in the community where the project is located.

E. APPLICATION OF RULES

1. Pet owners will be responsible and liable for any and all bodily harm to other residents or individuals and destruction of personal property belonging to others caused by owner's pet will be the moral and financial obligation of the pet owner.
2. All pet rules apply to resident and/or resident's guests.

Appendix 1 Pet Agreement

1. Management considers the keeping of pets a serious responsibility and a risk to each resident in the apartment. If you do not properly control and care for a pet, you will be held liable if it causes any damages or disturbs other residents.
2. **Conditional Authorization for Pet.** You may keep the pet that is described below in the apartment until Dwelling Lease is terminated. Management may terminate this authorization sooner if your right of occupancy is lawfully terminated or if you or your pet, your guests or any member of your household violate any of the rules contained in the Authority's pet Policy or this Agreement.
3. **Pet Fee.** The Pet Deposit for a dog or cat will be \$ 300.00 refundable. The Pet Fee is a one-time charge for your current pet.
 - a. If, at any time in the future, this pet is replaced by another animal, another one-time fee will be charged for that animal.
 - b. This fee will be used to pay reasonable expenses directly attributable to the presence of the pet in the complex, including but not limited to, the cost of repairs and replacement to, and fumigation of, the apartment.
4. **Liability Not Limited.** The fee under this Pet Agreement does not limit resident's liability for property damages, cleaning, deodorization, flea removal, replacements, or personal injuries.
5. **Description of Pet.** You may keep only one pet as described below. The pet, dog or cat, may not exceed twelve (12) inches in height and twenty (20) pounds in weight, adult size. You may not substitute other pets for this one without amending this agreement.

Pet's Name _____ Type _____

Breed _____ Color _____ Weight _____ Age _____

Housebroken? _____ City of License _____ License No. _____

Date of last Rabies shot _____ Veterinarian _____

Name, address and phone number of person able to care for pet in case of resident's permanent or temporary inability to care for animals

Name _____

Address _____ Phone _____

Name _____

Address _____ Phone _____

RESIDENT ACKNOWLEDGEMENT

After reading and/or having read to me this lease addendum and agreement, I _____, agree to the following: I agree to abide by the requirements outlined in this lease addendum for pet ownership and to keep the pet(s) in accordance with this lease addendum.

I agree and understand that I am liable for any damage or injury whatsoever caused by pet(s) and shall pay the landlord or applicable party for any damages or injury caused by the pet(s). I also realize that I should obtain liability insurance for pet ownership and that paying for the insurance is my responsibility.

I agree to accept full responsibility and will indemnify and hold harmless the landlord for any claims by or injuries to third parties or their property caused by my pet(s).

I agree to pay a refundable pet deposit of \$ _____ to the Seguin Housing Authority. The Pet Deposit must be paid prior to the execution of this lease addendum. The pet deposit may be used by the Landlord at the termination of the lease toward payment of any rent or toward payment of any other costs made necessary because of Tenant's occupancy of the premises. Otherwise, the pet deposit, or any balance remaining after final inspection and including any applicable pet care facility charges will be returned to the Tenant within thirty (30) days after the premises are vacated and all keys have been returned.

I AGREE AND UNDERSTAND THAT ALL INFORMATION CONCERNING MY PET(S) MUST BE UPDATED ANNUALLY AND PROVIDED TO THE SEGUIN HOUSING AUTHORITY AT THE ANNUAL REEXAMINATION.

I AGREE AND UNDERSTAND THAT VIOLATING THIS LEASE ADDENDUM MAY RESULT IN THE REMOVAL OF THE PET(S) FROM THE PROPERTY OF THE SEGUIN HOUSING AUTHORITY AND/OR EVICTION. I ALSO UNDERSTAND THAT I MAY NOT BE ALLOWED TO OWN ANY TYPE OF PET IN THE FUTURE WHILE BEING AN OCCUPANT OF THE SEGUIN HOUSING AUTHORITY.

I ALSO UNDERSTAND THAT I MUST OBTAIN PRIOR APPROVAL FROM THE SEGUIN HOUSING AUTHORITY BEFORE MAKING A CHANGE OF A PET FOR WHICH THIS POLICY WAS APPROVED. A PICTURE WILL BE PROVIDED TO THE SEGUIN HOUSING AUTHORITY OF THE PET(S) FOR DOCUMENTATION.

Head of Household

Date

SHAR Representative

Date

Pet Policy Certification

By _____

Title _____

Housing Authority of the City of Seguin, Texas _____

I have read, fully understand and will abide by the rules and regulations contained in the Seguin Housing Authority Pet Policy, Resident Acknowledgement and Pet Agreement.

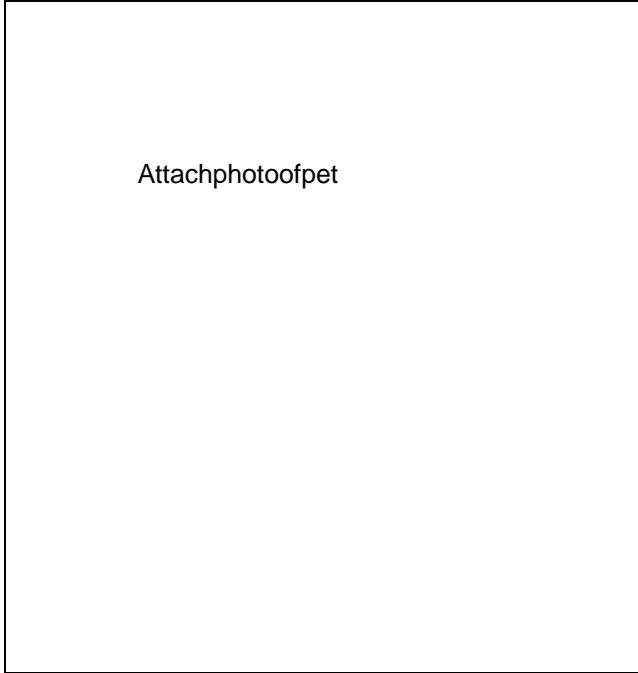
Resident _____

Resident _____

Resident _____

Address _____

Date _____



**Appendix3
PetPolicyRulesViolationNotice**

DATE:	
TIME:(IFDELIVERED)	A.M./P.M.

TO:

NAMEOFRESIDENT:	
STREETADDRESS:	
CITY,STATE,ZIPCODE	
PETNAMEORTYPE:	

Thisnoticeherebyinformsyouofthefollowingrulesviolation:

FactualBasisforDeterminationofViolation:

Aspetowneryouhaveten(10)calendardaysfromthedateshownonthisnotice(datenoticedeliveredor mailed)inwhichtocorrecttheviolationormakeawrittenrequestforameetingtodiscusstheviolation.

Aspetowneryouareentitledtobeaccompaniedbyanotherpersonofyourchoiceatthemeeting.

Failuretocorrecttheviolation,torequestameeting,ortoappearattherequestedmeetingmayresultin initiationofprocedures to terminate your tenancy.

ExecutiveDirector
SeguinHousingAuthority
516JeffersonAvenue
Seguin,TX78155

Attachment "G" -Revisions to Addendum G effective May, 2002

Addendum G

SCHEDULE OF OTHER CHARGES - ALL SITES

GENERAL CHARGES:

Climbing on roofs or project buildings	10.00 each time
Damage to flowers, trees, lawns or shrubs	Replacement Cost
Door key -additional	6.50 each
Driving or parking vehicles on lawn/yard area	10.00 each time
Electrical Meters -price of meter and/or glass replacement	50.00
Excessive use or waste of water (each offense)	25.00 each time
Excessive use or waste of water (kid/swimming pool)	100.00 each time
Excessive loud music or disturbing noises	25.00 each time
Exterior Doors (steel or wood)	200.00 each
Interior doors	85.00 each
Lawn mower Rental -each time	2.00 each time
Lawn Mowing -front yard	10.00 each time
Lawn Mowing -backyard	10.00 each time
Lock Change -Failure to return keys at move -out	150.00
Lock Change -Tenant Request	150.00
Lock Out -After hours, weekends & holidays	10.00 each time
Medicine cabinet -complete	50.00
Nail holes on walls	1.00 each
Outside light fixture	35.00 each
Pet waste removal per location	5.00 each
Removing paint/graffiti	15.00 per hour
Removing paint/graffiti -materials needed	Cost of materials used
Rentals -delayed return of stables and/or chairs	25.00 per day
Shower rod & end caps	6.30 each
Smoke Alarm -electric	8.50 each
Trash Container replacement	Replacement Cost
Trash Container return to unit	20.00 each time
Toilet paper holder	4.00 each
Towel rack	7.95 each
Towing disabled/improperly parked vehicles	Owner's expense
Yard Cleaning -front	10.00 each time
Yard Cleaning -back	10.00 each time

SCREENS -SECURITY (Pradera, Fairview, Patton Street & Rosalyn Heights)

Item#2060	20.00each
Item#2436	15.00each
Item#2472	25.00each
Item#3020	15.00each
Item#3030	20.00each
Item#3636	20.00each
Item#3648	25.00each
Item#3672	30.00each
Item#3850	25.00each
Item#6040	30.00each

SCREENS -STANDARD(HighRise&RiverTerrace)

Anyroom -completescreen	25.00each
Anyroom -frameonly	10.00each
Anyroom -screenwireonly	15.00each
High Riseslidingglassdoorscreen	30.00each
InteriorHallwaywoodenscreendoor	
Rescreenwithwirebehindslats	20.00each
Replace/repairwoodenslats	1.00each

Attachment "H"

RESIDENT SERVICE & SATISFACTION ASSESSMENT FOLLOW-UP PLAN TX303 – SEGUIN HOUSING AUTHORITY

The following plan is designed to respond to the stated needs of the residents of the Seguin Housing Authority as a result of the fiscal year 2000 Resident Service & Assessment Survey conducted by the U. S. Department of Housing and Urban Development offices, Washington, D.C. Items to be specifically addressed have been highlighted.

Maintenance and Repair Section

Open meetings with residents so that they may express their views on the day-to-day operations of the housing authority.

Any deficiencies identified in the Physical Inspection Assessment of the residential areas will be addressed in forthcoming budgets associated with the Capitol Improvement Grant. Prior deficiencies have been reviewed and work has begun in conjunction with the 1999 Comprehensive Improvement Assistance Program grant. It is estimated that scheduled work will be completed by September 2001. Other items will be handled as a part of routine and preventive maintenance. Work has begun on the Capital Fund Program for 2000.

Work Orders received on a daily basis will be reviewed, prioritized, and completed within a 24-hour period barring any unforeseen emergency situations that would pre-empt normal routine activities. The Maintenance Plan Addendum (a part of the Admission & Occupancy Policy) addresses the procedures for efficient handling of all work orders.

Staff meetings will commend maintenance staff for their efficiency and prompt handling of resident requests. Additional training, as it is available, will enhance the knowledge and quality of work performed by all maintenance employees. Suggestions by staff to create a more efficient operation will be taken, reviewed, and implemented in order to provide good service to the residents of the authority.

Communication (required response)

An open-door policy will be observed at the central office and when visiting the various complexes to allow residents the opportunity to express their views, comments, and suggestions regarding the operations of the housing authority and their day-to-day living environment.

Open meetings with residents to provide a forum for comments and suggestions shall be held on a regular basis. A suggestion box is being made available at the central office for resident input and comment when making monthly rental payments and subsequent visits during the month. Residents are requested to provide suggestions for improvements to their apartments, common areas, and neighborhood to enhance the quality of life for all family members and visitors. At social functions residents are encouraged to speak up and provide positive information and suggestions to make their complexes a better place to live.

All policies have been reviewed with residents and their comments and suggestions have been taken

into consideration with additional updating of the policy manual to meet the needs of the residents.

The format of the monthly newsletter has been revised for ease in reading and understanding with positive response from the residents. A monthly "calendar of events" is included as a part of the bulletin with additional news flyers provided during the month to remind residents of upcoming events.

The Resident Advisory Board has been formed and meetings have been held. At the request of the members newsletters will be provided to the Section 8 Housing Choice Voucher Program residents and reminder flyers will be sent prior to scheduled meetings.

Notices will be posted on each floor of the multi-story buildings for residents' convenience.

Additional staff training, as it is available, will be given to enhance the communication skills of employees to eliminate negative and misunderstood conversations between staff and residents.

All scheduled maintenance improvements and annual inspection notices are provided to residents at least three (3) days prior to the event. Modernization work notification is provided prior to the start of any project with continued updates during the construction period.

Safety (required response)

Open meetings with residents are held in order for them to express their concerns regarding this matter.

Off-duty police officers are contracted with to provide security for residents at all sites. Patrols are done at various times to avoid a pattern of routine visibility. Undercover police task force officers are a part of the provided security services at all complexes.

Additional police, sheriff, and task force officers have been employed to enhance the security of each of the housing complexes through the assistance of a grant. Officers regularly attend resident functions to create a friendlier atmosphere between residents and children.

Residents are encouraged to contact local law enforcement centers whenever suspicious or unusual activities are taking place and request regular officer presence. Office space and meeting areas are provided to residents to discuss potential harmful situations with law enforcement personnel.

Elderly complexes are equipped with direct communication lines to the city police dispatcher via telephone located in the elevators.

Crime watch meetings are held on a monthly basis at all sites. Maintenance personnel visit all sites after dark to ensure adequate security lighting for residents.

Services

Open meetings with residents requesting input and assistance in planning programs for the mutual benefit of all residents.

Partnerships have been created to bring a variety of life skills, self-improvement, parenting, medical, and educational programs to residents at all locations. Media flyers are distributed to all residents to remind residents of upcoming events within the complex and the community regarding career days, health and employment opportunities.

A reward program has been established for students attaining honor roll status at all levels of education.

Firsttimehomebuyer courses are provided for interested residents at no cost. Applications for grants and loan programs on behalf of eligible residents are applied for with counseling available to secure mortgage financing for homeownership.

Public telephone booths accessible to general public outside of enclosed areas.

Transportation schedules and fees posted in common areas for resident information.

Neighborhood Appearance (required response)

Open meetings with residents for their comments on ways to enhance the appearance of their complexes and neighboring areas. During prior meetings with residents their thoughts on the neighborhood appearance segment of the survey includes all the surrounding subdivision privately owned homes in the area. Although it was explained that the survey relates directly to their housing complex they are still looking at all the areas in their neighborhood when giving their responses.

Disabled/abandoned vehicles are removed from housing authority property.

Residents are warned for old furniture and other personal belongings that are left outside the unit and given opportunity to have them removed in a timely manner.

Pest control is provided free of charge to each apartment on a semi-monthly basis.

Residents suggestions regarding smoking areas have been heard and action taken. Failure to residents to cooperate with rules may change current smoking areas on a semi-monthly basis at the request of the Resident Advisory Board.

Landscaping work and site improvements will be ongoing projects within the Capital Fund Program.

Resident suggestions regarding stairwells and balconies have been addressed with follow-up reminders in the monthly newsletters regarding proper placement of disposable items in provided containers and for balcony areas to be maintained in a visually accepted manner.

City brush and trash pickup services are provided through a Community Service Agreement for the disposal of large items in addition to privately contracted services.

Graffiti and other visual hazards are addressed in the Maintenance Plan Addendum.

Encourage residents to maintain their areas and foster a better curb appeal within the community by having "Yard of the Month" recognition at each site.

Resident notification of community-wide cleanup days and encouragement to participate in these activities.

Attachment“T” –RevisedUtilityAllowancesforPublicHousingRevised5/2002

Seetx303i01

--	--	--

--	--	--

--	--	--

Attachment “J”

ADMINISTRATIVE PLAN FOR THE HOUSING AUTHORITY OF THE CITY OF SEGUIN SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

This Administrative Plan provides the guidelines for the operation of the Section 8 Housing Choice Voucher Program for the City of Seguin, Texas by the Seguin Housing Authority.

This Plan is designed with the objective of encouraging the freedom of housing choice. Its purpose is to establish discretionary policies for matters that are not covered under Federal Regulation for the Section 8 Housing Choice Voucher Program. This program should allow very low -income families the opportunity for obtaining community wide housing, by improving their living conditions while providing affordable rent payments. The goal of this Housing Authority (hereinafter referred to as 'PHA') is to assist as many very low income families as possible, therefore providing them the opportunity of improving their lifestyles and becoming more self -sufficient.

The Public Housing and Section 8 Office has an Executive Director who is responsible for the overall operation of the Housing Assistance Programs. The Management Assistant is the Section 8 Coordinator.

The Administrative Plan must be in accordance with HUD regulations and other requirements. The PHA must revise the Administrative Plan if needed to comply with HUD requirements. The PHA must give HUD a copy of the Administrative Plan. The PHA must administer the program in accordance with this Administrative Plan. The Board of Commissioners will approve the Administrative Plan.

The PHA Administrative Office is located at: 516 Jefferson Avenue, Seguin, Texas 78155. _____

The PHA office hours are: Monday through Friday, 8:00 a.m. to noon; and, 1:00 to 5:00 p.m. Application for assistance may be made between the hours of 9:00 and 11:00 a.m., and 2:00 to 4:00 p.m. Monday through Friday.

SECTION 1 SELECTION AND ADMISSION OF APPLICANTS FROM THE PHA WAITING LIST, INCLUDING ANY PHA ADMISSION PREFERENCES, PROCEDURES FOR REMOVING APPLICANT NAMES FROM THE WAITING LIST, AND PROCEDURES FOR CLOSING AND REOPENING THE PHA WAITING LIST

I. Eligibility. (982.201)

- (a) When applicant is eligible: general. The PHA will only admit an eligible family to the program. To be eligible, the applicant must be a 'family', must be income -eligible, and must be a citizen or a noncitizen that has eligible immigration status as determined in accordance with 24 CFR part 5.
- (b) Income
 - (1) Income-eligibility. To be income -eligible, the applicant must be a family in any of the following categories:
 - (i) A 'very low income' family;
 - (ii) A low -income family that is 'continuously assisted' under the 1937 Housing Act;
 - (iii) A low -income family that meets additional eligibility criteria specified in the PHA Administrative Plan. Such additional PHA criteria must be consistent with the PHA plan and with the consolidated plans for local governments in the PHA jurisdiction;
 - (iv) A low -income family that qualifies for Voucher assistance as a non -purchasing family residing in a HOPE 1 (HOPE for Public Housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(D));
 - (v) A low -income or moderate -income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low -income housing as defined in 248.101 of this title;
 - (vi) A low -income family that qualifies for Voucher assistance as a non -purchasing family residing in a project subject to a resident homeownership program under 248.173 of this title.
 - (2) Income-targeting.
 - (i) Not less than 75 percent of the families admitted to a PHA's tenant -based Voucher Program during the PHA fiscal year shall be targeted to families whose annual income does not exceed the following amounts as determined by HUD:
 - (i) 30 percent of the area median income, with adjustments for smaller and larger families; or

- (B) A higher or lower percent of the area median income, if HUD determines that a higher or lower percent is necessary because of unusually high or low family incomes.
 - (ii) Admission of families as described in paragraphs (b)(1)(ii) or (b)(1)(v) of this section is not subject to targeting under paragraph (b)(2)(i) of this section.
 - (iii) If two or more PHAs that administer Section 8 tenant-based assistance have an identical jurisdiction, such PHAs shall be treated as a single PHA for purposes of targeting under paragraph (b)(2)(i) of this section. In such a case, the PHAs shall cooperate to assure that aggregate admissions by such PHAs comply with the targeting requirement. If such PHAs do not have a single fiscal year, HUD will determine which PHA's fiscal year is used for this purpose.
 - (3) The annual income (gross income) of an applicant family is used both for determination of income eligibility under paragraph (b)(1) of this section, and for targeting under paragraph (b)(2)(i) of this section.
 - (4) The applicable income limit for issuance of a Voucher when a family is selected for the program is the highest income limit (for the family unit size) for areas in the PHA jurisdiction. The applicable income limit for admission to the program is the income limit for the area where the family is initially assisted in the program. The family may only use the Voucher to rent a unit in an area where the family is income eligible at admission to the program.
- (c) Family composition.
- (1) A 'family' may be a single person or a group of persons.
 - (2) A 'family' includes a family with a child or children.
 - (3) A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The PHA determines if any other group of persons qualifies as a 'family'.
 - (4) A single person family may be:
 - (i) An elderly person.
 - (ii) A displaced person.
 - (iii) A disabled person.
 - (iv) Any other single person.
 - (5) A child who is temporarily away from the home because of placement in foster care is considered a member of the family.
- (d) Continuously assisted family -- An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the voucher program. Continuously assisted is defined as within a thirty (30) day period.

- (e) When PHA verifies that applicant is eligible. The PHA must receive information verifying that an applicant is eligible within the period of 60 days before the PHA issues a Voucher to the applicant.
- (f) Decision to deny assistance.
 - (1) Notice to applicant. The PHA must give an applicant prompt written notice of a decision denying admission to the program (including a decision that the applicant is not eligible, or denying assistance for other reasons). The notice must give a brief statement of the reasons for the decision. The notice must also state that the applicant may request an informal review of the decision, and state how to arrange for the informal review.
 - (2) The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant family for any of the following grounds:
 - (i) If the family violates any family obligations under the program (see 982.551). See 982.553 concerning denial or termination of assistance for crime by family members.
 - (ii) If any member of the family has ever been evicted from Public housing.
 - (iii) If a PHA has ever terminated assistance under the program for any member of the family.
 - (iv) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
 - (v) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or Public Housing assistance under the 1937 Act.
 - (vi) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
 - (vii) If the family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.)
 - (viii) If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
 - (ix) If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.
 - (i) If the family fails to fulfill its obligations under the Section 8 welfare-to-work voucher program.
 - (xi) If the family breaches a Section 8 or Public Housing agreement in violation of any dwelling lease rules.

II. How applicants are selected: General requirements. (982.202)

- (a) Waiting list admissions and special admissions. The PHA may admit an applicant for participation in the program either as a waiting list admission or as a special admission.
- (b) Prohibited admission criteria.
 - (1) Where family lives. Admission to the program may not be based on where the family lives before admission to the program. However, the PHA may target assistance for families who live in Public Housing or other federally assisted housing, or may adopt a HUD-approved residency preference.
 - (2) Where family will live. Admission to the program may not be based on where the family will live with assistance under the program.
- (c) Applicant status. An applicant does not have any right or entitlement to be listed on the PHA waiting list, to any particular position on the waiting list, or to admission to the programs. The preceding sentence does not affect or prejudice any right, independent of this rule, to bring a judicial action challenging a PHA violation of a constitutional or statutory requirement.
- (d) Admission policy.

The PHA must admit applicants for participation in accordance with HUD regulations and other requirements, and with PHA policies stated in the PHA Administrative Plan and the PHA plan. The PHA Admission Policy must state the system of admission preferences that the PHA uses to select applicants from the waiting list, including any residency preference or other local preference.

III. Waiting list: Administration of waiting list. (982.204)

- (a) Admission from waiting list. Except for special admissions, participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list in accordance with admission policies in the PHA Administrative Plan.
- (b) Organization of waiting list. The PHA must maintain information that permits the PHA to select participants from the waiting list in accordance with the PHA admission policies. The waiting list must contain the following information for each applicant listed:
 - (1) Applicant name;
 - (2) Family unit size (number of bedrooms for which family qualifies under PHA occupancy standards);
 - (3) Date and time of application;
 - (4) Qualification for any local preference; and
 - (5) Racial or ethnic designation of the head of household.
- (c) Removing applicant names from the waiting list.
 - (1) The PHA Administrative Plan must state PHA policy on when applicant names may be removed from the waiting list. The policy may provide that the PHA will remove names of applicants who do not respond to PHA requests for information or updates.
 - (2) A PHA decision to withdraw from the waiting list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation in

accordance with 24 CFR part 8. If the applicant did not respond to the PHA request for information or updates because of the family member's disability, the PHA must reinstate the applicant in the family's former position on the waiting list.

- (d) Family size.
 - (1) The order of admission from the waiting list may not be based on family size, or on the family unit size for which the family qualifies under the PHA occupancy policy.
 - (2) If the PHA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the PHA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.
- (e) Funding for specified category of waiting list families. When HUD awards a PHA program funding for a specified category of families on the waiting list, the PHA must select applicant families in the specified category.
- (f) Number of waiting lists. A PHA must use a single waiting list for admission to its Section 8 tenant-based assistance program. However, the PHA may use a separate single waiting list for such admissions for a county or municipality.

IV. Waitinglist: Different programs (982.205)

- (a) Merger and cross-listing.
 - (1) Merged waiting list. A PHA may merge the waiting list for tenant-based assistance with the PHA waiting list for admission to another assisted housing program, including a federal or local program. In admission from the merged waiting list, admission for each federal program is subject to federal regulations and requirements for the particular program.
 - (2) Non-merged waiting list: Cross-listing. If the PHA decides not to merge the waiting list for tenant-based assistance with the waiting list for the PHA's Public Housing Program, Project-Based Voucher Program or Moderate Rehabilitation Program:
 - (i) If the PHA's waiting list for tenant-based assistance is open when an applicant is placed on the waiting list for the PHA's Public Housing Program, Project-Based Certificate Program or Moderate Rehabilitation Program, the PHA must offer to place the applicant on its waiting list for tenant-based assistance.
 - (ii) If the PHA's waiting list for its Public Housing Program, Project-Based Certificate Program or Moderate Rehabilitation Program is open when an applicant is placed on the waiting list for its tenant-based program, and if the other program includes units suitable for the applicant, the PHA must offer to place the applicant on its waiting list for the other program.
 - (3) The Seguin Housing Authority works with a merged waiting list. All applicants, regardless of program, are recombined on one waiting list.
- (b) Other housing assistance: Effect of application for, receipt or refusal.
 - (1) For purposes of this section, 'other housing assistance' means a federal, State or local housing subsidy, as determined by HUD, including Public Housing.

- (2) The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:
 - (i) Refuse to list the applicant on the PHA waiting list for tenant -based assistance;
 - (ii) Deny any admission preference for which the applicant is currently qualified;
 - (iii) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or
 - (iv) Remove the applicant from the waiting list.
- (3) Notwithstanding paragraph (b)(2) of this section, the PHA may remove the applicant from the waiting list for tenant -based assistance if the PHA has offered the applicant assistance under the Voucher Program.

V. Waitinglist: Opening and closing; public notice. (982.206)

- (a) Public notice.
 - (1) When the PHA opens a waiting list, the PHA must give public notice that families may apply for tenant -based assistance. The public notice must state where and when to apply.
 - (2) The PHA must give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. The notice must comply with HUD fair housing requirements.
 - (3) The public notice must state any limitations on whom may apply for available slots in the program.
- (b) Criteria defining what families may apply.
 - (1) The PHA may adopt criteria defining what families may apply for assistance under a public notice.

Example A
The PHA decides that applications will only be accepted from families that qualify for federal preference, or from homeless federal preference families.

Example B
In admission to the program, the PHA must give preference to elderly families, displaced families and displaced persons over other single persons. The PHA decides that applications from other single persons will not be accepted.
 - (2) If the waiting list is open, the PHA must accept applications.
- (c) Closing waiting list. If the PHA determines that the existing waiting list contains an adequate pool for use of available program funding, the PHA may stop accepting new applications, or may accept only applications meeting criteria adopted by the Housing Authority.

VI. Waiting List: Local preferences in admission to program. (982.207)

This is where the PHA is to enter their Local Preferences, if applicable. Guidance can be found in 24 CFR 982.207. The Seguin Housing Authority has no preferences in Admission to this program. Exception: When an applicant is leasing in place in an approvable unit they will be considered ready to be assisted at that time on a first-come, first-served basis.

VII. Consent by assistance applicants and participants. (5.230)

- (a) Required consent by assistance applicants and participants. Each member of the family of an assistance applicant or participant, who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
- (b) Consent authorization.
 - (1) To whom and when. The assistance applicant shall submit the signed consent forms to the processing entity when eligibility under a covered program is being determined. A participant shall sign and submit consent forms at the next regularly scheduled income reexamination. Assistance applicants and participants shall be responsible for the signing and submitting of consent forms by each applicable family member.
 - (2) Subsequent consent forms --special cases. Participants are required to sign and submit consent forms at the next interim or regularly scheduled income reexamination under the following circumstances:
 - (i) When any person 18 years or older becomes a member of the family;
 - (ii) When a member of the family turns 18 years of age; and
 - (iii) As required by HUD or the PHA in administrative instructions.
- (c) Consent form --contents. The consent form required by this section shall contain, at a minimum, the following:
 - (1) A provision authorizing HUD and PHAs to obtain from SWICAs any information or materials necessary to complete or verify the application for participation and to maintain continued assistance under a covered program; and
 - (2) A provision authorizing HUD, PHAs, or the owner responsible for determining eligibility for or the level of assistance to verify with previous or current employers income information pertinent to the assistance applicant's or participant's eligibility for or level of assistance under a covered program;
 - (3) A provision authorizing HUD to request income return information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the assistance applicant's or participant's eligibility or level of benefits; and
 - (4) A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

VIII. Penalties for failing to sign consent forms. (5.532)

- (a) Denial or termination of benefits. In accordance with the provisions governing the program involved, if the assistance applicant or participant, or any member of the assistance applicant's or participant's family, does not sign and submit the consent forms as required in §5.230, then:

- (1) The processing entity shall deny assistance to and admission of an assistance applicant;
 - (2) Assistance to, and the tenancy of, a participant may be terminated.
- (b) Cross references. Individuals should consult the regulations and administrative instructions for the programs covered under this subpart B for further information on the use of income information in determinations regarding eligibility.

SECTION 2 ISSUING OR DENYING VOUCHERS

I. Conversion to Voucher Program. (982.502)

- (a) New HAP contracts. On and after October 1, 1999, the PHA may only enter into a HAP contract for a tenancy under the Housing Choice Voucher Program (also known as the Voucher Program).
- (i) Over-FMR tenancy. If the PHA had entered into any HAP contract for an over-FMR tenancy under the Certificate Program prior to the merger date, on and after the merger date such tenancy shall be considered and treated as a tenancy under the Voucher Program, and shall be subject to the Voucher Program requirements under this part, including calculation of the Voucher Housing Assistance Payment.
- (c) Voucher tenancy. If the PHA had entered into any HAP contract for a voucher tenancy prior to October 1, 1999, on and after the merger date such tenancy shall continue to be considered and treated as a tenancy under the voucher program, and shall be subject to the voucher program requirements under this part, including calculation of the voucher housing assistance payment in accordance with IV Voucher Tenancy: How to Calculate HAP § 982.505. The payment standard for the family shall be the higher of:
 - (1) The initial payment standard for the family at the beginning of the HAP contract term; or
 - (2) The payment standard for the family as calculated in accordance with IV. Voucher Tenancy: How to Calculate HAP, § 982.505, except that § 982.505(b)(2) shall not be applicable.

II. Information when family is selected (982.301)

- (a) PHA briefing of family.
 - (1) When the PHA selects a family to participate in a tenant-based program, the PHA must give the family an oral briefing. The briefing must include information on the following subjects:
 - (i) A description of how the program works;
 - (ii) Family and owner responsibilities; and
 - (iii) Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction.
 - (2) For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the briefing must include an explanation of how portability works. The PHA may not discourage the family from choosing to live anywhere in the PHA jurisdiction, or outside the PHA jurisdiction under portability procedures.

- (3) If the family is currently living in a high poverty census tract in the PHA's jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.
 - (4) In briefing a family that includes any disabled person, the PHA must take appropriate steps to ensure effective communication in accordance with 24CFR8.6.
 - (5) In briefing a welfare -to-work family, the PHA must include specification of any local obligations of a welfare -to-work family and an explanation that failure to meet these obligations is grounds for PHA denial of admission or termination of assistance.
- (b) Information packet. When a family is selected to participate in the program, the PHA must give the family a packet that includes information on the following subjects:
- (1) The term of the voucher, and PHA policy on any extensions or suspensions of the term. If the PHA allows extensions, the packet must explain how the family can request an extension;
 - (2) How the PHA determines the amount of the Housing Assistance Payment for a family, including:
 - (i) How the PHA determines the payment standard for a family; and
 - (ii) How the PHA determines the total tenant payment for a family.
 - (3) How the PHA determines the maximum rent for an assisted unit;
 - (4) Where the family may lease a unit. For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the information packet must include an explanation of how portability works;
 - (5) The HUD -required 'tenancy addendum' that must be included in the lease;
 - (6) The form that the family uses to request PHA approval of the assisted tenancy, and an explanation of how to request such approval;
 - (7) A statement of the PHA policy on providing information about a family to prospective owners;
 - (8) PHA subsidy standards, including when the PHA will consider granting exceptions to the standards;
 - (9) The HUD brochure on how to select a unit;
 - (10) The HUD -required lead -based paint (LBP) brochure;
 - (11) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form;
 - (12) A list of landlords or other parties known to the PHA whom they may be willing to lease a unit to the family, or help the family find a unit;
 - (13) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the PHA that may be available;

- (14) Family obligations under the program, including any obligations of a welfare family. -to-work
- (15) The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act; and
- (16) PHA informal hearing procedures. This information must describe when the PHA is required to give a participant family the opportunity for an informal hearing, and how to request a hearing.

III. Issuance of voucher; Requesting PHA Approval of assisted tenancy. y. (982.302)

- (a) When a family is selected, or when a participant family wants to move to another unit, the PHA issues a Voucher to the family. The family may search for a unit.
- (b) If the family finds a unit, and the owner is willing to lease the unit under the program, the family may request PHA approval of the tenancy. The PHA has the discretion whether to permit the family to submit more than one request at a time.
- (c) The family must submit to the PHA a request for approval of the tenancy and a copy of the lease, including the HUD -prescribed tenancy addendum. The request must be submitted during the term of the voucher.
- (d) The PHA specifies the procedure for requesting approval of the tenancy. The family must submit the request for approval of the tenancy in the form and manner required by the PHA.

IV. Term of voucher. (982.303)

- (iii) Initial term. The initial term of a Certificate for Participation in the Voucher Program must be at least 60 calendar days. The initial term must be stated on the voucher.
- (b) Extensions of term.
 - (1) At its discretion, the PHA may grant a family one or more extensions of the initial voucher term in accordance with PHA policy as described in the PHA Administrative Plan. Any extension of the term is granted by PHA notice to the family.
 - (2) If the family needs and requests an extension of the initial voucher term as a reasonable accommodation, in accordance with 24 CFR Part 8, to make the program accessible to a family member who is a person with disabilities, the PHA must extend the voucher term up to the term reasonably required for that purpose.
- (c) Suspension of term. The PHA policy may or may not provide for suspension of the initial or any extended term of the voucher. At its discretion, and in accordance with PHA policy as described in the PHA administrative plan, the PHA may grant a family a suspension of the voucher term if the family has submitted a request for approval of the tenancy during the term of the voucher. (§982.4 (definition of 'suspension'); §982.54(d)(2)) The PHA may grant a suspension for any part of the period after the family has submitted a request for approval of the tenancy up to the time when the PHA approves or denies the request.
- (iv) Progress report by family to the PHA. During the initial or any extended term of a voucher, the PHA may require the family to report progress in leasing a unit. Such reports may be required at such intervals or times as determined by the PHA.

V. Illegal discrimination: PHA assistance to family. (982.304)

A family may claim that illegal discrimination because of race, color, religion, sex, national origin; age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance under the program. The PHA must give the family information on how to fill out and file a housing discrimination complaint.

VI. PHA Approval of assisted tenancy. (982.305)

(a) Program requirements. The PHA may not give approval for the family of the assisted tenancy, or execute a HAP contract, until the PHA has determined that all the following meet program requirements:

- (1) The unit is eligible;
- (2) The unit has been inspected by the PHA and passes HQS;
- (3) The lease includes the tenancy addendum; and
- (4) The rent to owner is reasonable.
- (5) At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share does not exceed 40 percent of the family's monthly adjusted income. (CFR Vol. 64, No. 2.12 Wednesday, November 3, 1999)

(b) Actions before lease term.

(1) All of the following must always be completed before the beginning of the initial term of the lease for a unit:

- (v) The PHA has inspected the unit and has determined that the unit satisfies the HQS;
- (ii) The landlord and the tenant have executed the lease (including the HUD-prescribed tenancy addendum); and
- (iii) The PHA has approved leasing of the unit in accordance with program requirements.

(2) (i) The PHA must inspect the unit, determine whether the unit satisfies the HQS, and notify the family and owner of the determination:

(A) In the case of a PHA with up to 1250 budgeted units in its tenant-based program, within seven (7) days after the family and the owners submit a request for approval of the tenancy.

(B) In the case of a PHA with more than 1250 budgeted units in its tenant-based program, within a reasonable time after the family submits a request for approval of the tenancy. To the extent practicable, such inspection and determination must be completed within fifteen days after the family and the owners submit a request for approval of the tenancy.

- (ii) Thesevendayclock (underparagraph (b)(2)(i)(A) or paragraph (b)(2)(i)(B) of this section) is suspended during any period when the unit is not available for inspection.
- (3) The PHA has approved leasing of the unit in accordance with program requirements. **The lease is approvable and includes the lease addendum and the lead -based paint disclosure information as required in §35.92(b) of 24CFR.**
- (vi) 24CFR 35.92(b) Lessor requirements. Each contract to lease target housing shall include, as an attachment or within the contract, the following elements, in the language of the contract (e.g., English, Spanish):
 - a. A Lead Warning Statement with the following language: Housing built before 1978 may contain lead -based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre -1978 housing, lessors must disclose the presence of lead-based paint and/or lead -based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.
 - b. *A statement by the lessor disclosing the presence of known lead-based paint and/or lead -based paint hazards in the target housing being leased or indicating no knowledge of the presence of lead-based paint and/or lead -based paint hazards. The lessor shall also disclose any additional information available concerning the known lead -based paint and/or lead -based paint hazards, such as the basis for the determination that lead -based paint and/or lead-based paint hazards exist in the housing, the location of the lead-based paint and/or lead -based paint hazards, and the condition of the painted surfaces.*
 - c. *A list of any records or reports available to the lessor pertaining to lead-based paint and/or lead -based paint hazards in the housing that have been provided to the lessee. If no such records or reports are available, the lessor shall so indicate.*
 - d. *A statement by the lessee affirming receipt of the information set out in paragraphs (b)(2) and (b)(3) of this section and the lead hazard information pamphlet required under 15 U.S.C. 2696.*
 - e. *When any agent is involved in the transaction to lease target housing on behalf of the lessor, a statement that:*
 - (vii) The agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d; and
 - (viii) The agent is aware of his/her duty to ensure compliance with the requirements of this subpart.

- (6) The signatures of the lessors, agents, and lessees certifying to the accuracy of their statements to the best of their knowledge, along with the dates of signature.
- (c) When HAP contract is executed.
 - (1) The PHA must use best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.
 - (2) The PHA may not pay any Housing Assistance Payment to the owner until the HAP contract has been executed.
 - (3) If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the PHA will pay Housing Assistance Payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).
 - (4) Any HAP contract executed after the 60-day period is void, and the PHA may not pay any Housing Assistance Payment to the owner.
 - (d) Notice to family and owner. After receiving the family's request for approval of the assisted tenancy, the PHA must promptly notify the family and owner whether the assisted tenancy is approved.
 - (e) Procedure after PHA approval. If the PHA has given approval for the family of the assisted tenancy, the owner and the PHA execute the HAP contract.

VII. Lease and tenancy. (982.308)

- (a) Tenant's legal capacity. The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.
- (b) Form of lease.
 - (1) The tenant and the owner must enter a written lease for the unit. The owner and the tenant must execute the lease.
 - (2) If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form (plus the HUD-prescribed tenancy addendum). If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a PHA model lease (including the HUD-prescribed tenancy addendum). The HAP contract prescribed by HUD will contain the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease is in such standard form.
- (c) State and local law. The PHA may review the lease to determine if the lease complies with State and local law. The PHA may decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law.
- (d) Required information. The lease must specify all of the following:
 - (1) The names of the owner and the tenant;

- (2) The unit rented (address, apartment number, and any other information needed to identify the contract unit);
 - (3) The term of the lease (initial term and any provisions for renewal);
 - (4) The amount of the monthly rent to owner; and
 - (5) A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family.
- (e) Reasonable rent. The rent to owner must be reasonable (see §982.507).
- (f) Tenancy addendum.
- (1) The HAP contract form required by HUD shall include an addendum (the 'tenancy addendum') that sets forth:
 - (i) The tenancy requirements for the program (in accordance with this section and §§982.309 and 982.310); and
 - (ii) The composition of the household as approved by the PHA (family members and any PHA -approved live -in aide).
 - (2) All provisions in the HUD -required tenancy addendum must be added word -for-word to the owner's standard form lease that is used by the owner for unassisted tenants. The tenant shall have the right to enforce the tenancy addendum against the owner, and the terms of the tenancy addendum shall prevail over any other provisions of the lease.
- (g) Changes in lease or rent.
- (1) If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must be in accordance with the requirements of this section.
 - (2) In the following cases, tenant -based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner:
 - (i) If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
 - (ii) If there are any changes in lease provisions governing the term of the lease;
 - (iii) If the family moves to a new unit, even if the unit is in the same building or complex.
 - (3) PHA approval of the tenancy, and execution of a new HAP contract, is not required for changes in the lease other than as specified in paragraph (g)(2) of this section.
 - (4) The owner must notify the PHA of any changes in the amount of the rent to owner at least sixty days before any such changes go into effect, and any such changes shall be subject to rent reasonableness requirements (see §982.503).

VIII. Term of assisted tenancy. (982.309)

- (a) Initial term of lease.
 - (1) Except as provided in paragraph (a)(2) of this section, the initial lease term must be for at least one year.

- (2) The PHA may approve a shorter initial lease term if the PHA determines that:
 - (ix) Such shorter term would improve housing opportunities for the tenant; and
 - (ii) Such shorter term is the prevailing local market practice.
 - (3) During the initial term of the lease, the owner may not raise the rent to the tenant.
 - (4) The PHA may execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC.
- (b) Term of HAP contract.
- (1) The term of the HAP contract begins on the first day of the lease term and ends on the last day of the lease term.
 - (2) The HAP contract terminates if any of the following occurs:
 - (i) The lease is terminated by the owner or the tenant;
 - (ii) The PHA terminates the HAP contract; or
 - (iii) The PHA terminates assistance for the family.
- (c) Family responsibility.
- (1) If the family terminates the lease on thirty (30) day notice to the owner, the family must give the PHA a copy of the notice of termination at the same time. Failure to do this is a breach of family obligations under the program.
 - (x) The family must notify the PHA and the owner before the family moves out of the unit. Failure to do this is a breach of family obligations under the program.

IX. Owner termination of tenancy. (982.310)

- (a) Grounds. During the term of the lease, the owner may not terminate the tenancy except on the following grounds:
 - (1) Serious violation (including but not limited to failure to pay rent or other amounts due under the lease) or repeated violation of the terms and conditions of the lease;
 - (2) Violation of federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
 - (3) Other good cause.
- (b) Nonpayment by PHA: Not grounds for termination of tenancy.
 - (1) The family is not responsible for payment of the portion of the rent to owner covered by the Housing Assistance Payment under the HAP contract between the owner and the PHA.
 - (2) The PHA failure to pay the Housing Assistance Payment to the owner is not a violation of the lease between the tenant and the owner. During the term of the lease the

owner may not terminate the tenancy of the family for nonpayment of the PHA Housing Assistance Payment.

- (c) Criminal activity. Any of the following types of criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control shall be cause for termination of tenancy:
- (1) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents;
 - (2) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
 - (3) Any drug -related criminal activity on or near the premises.
 - (4) Any violation of the Seguin Housing Authority's One Strike Policy.
- (d) Other good cause.
- (1) 'Other good cause' for termination of tenancy by the owner may include, but is not limited to, any of the following examples:
 - (i) Failure by the family to accept the offer of a new lease or revision;
 - (ii) A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises;
 - (iii) The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
 - (iv) A business or economic reason for termination of the tenancy (such as a sale of the property, renovation of the unit, or desire to lease the unit at a higher rental).
 - (2) During the initial lease term, the owner may not terminate the tenancy for 'other good cause', unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for 'other good cause' based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (see paragraph (d)(1)(iv) of this section).
- (e) Owner notice
- (1) Notice of grounds.
 - (i) The owner must give the tenant and the PHA a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action
 - (ii) The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

- (2) Eviction notice.
 - (i) Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under State or local law to commence an eviction action.
 - (ii) The owner must give the PHA a copy of any owner eviction notice to the tenant.
- (f) Eviction by court action. The owner may only evict the tenant from the unit by instituting a court action.
- (g) Regulations not applicable. 24 CFR Part 247 (concerning evictions from certain subsidized and HUD-owned projects) does not apply to a tenancy assisted under this Part 982.

X. When assistance is paid. (982.311)

- (a) Payments under HAP contract. Housing Assistance Payments are paid to the owner in accordance with the terms of the HAP contract. Housing Assistance Payments may only be paid to the owner during the lease term, and while the family is residing in the unit.
- (b) Termination of payment: When owner terminates the lease. Housing Assistance Payments terminate when the owner in accordance with the lease terminates the lease. However, if the owner has commenced the process to evict the tenant, and if the family continues to reside in the unit, the PHA must continue to make Housing Assistance Payments to the owner in accordance with the HAP contract until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. The PHA shall continue such payments until the family moves from or is evicted from the unit, provided the owner is following the eviction procedure in a timely manner.
- (c) Termination of payment: Other reasons for termination. Housing Assistance Payments terminate if:
 - (1) The lease terminates;
 - (2) The HAP contract terminates; or
 - (3) The PHA terminates assistance for the family.
- (d) Family move -out.
 - (xi) If the family moves out of the unit, the PHA may not make any Housing Assistance Payment to the owner for any month after the month when the family moves out. The owner may keep the Housing Assistance Payment for the month when the family moves out of the unit.
 - (2) If a participant family moves from an assisted unit with continued tenant -based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last Housing Assistance Payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit is not considered to constitute a duplicative housing subsidy.

XI. Security deposit: Amounts owed by tenant. (982.313)

- (a) The owner may collect a security deposit from the tenant.

- (b) The PHA will prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

XII. Where a family can lease a unit with tenant-based assistance. (982.353)

- (a) Assistance in the initial PHA jurisdiction. The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction (as determined by State and local law) of the initial PHA. HUD may nevertheless restrict the family's right to lease such a unit anywhere in such jurisdiction if HUD determines that limitations on a family's opportunity to select among available units in that jurisdiction are appropriate to achieve desegregation goals in accordance with obligations generated by a court order or consent decree.
- (b) Portability: Assistance outside the initial PHA jurisdiction. Subject to paragraph (c) of this section, and Section 1, a voucher holder or participant family has the right to receive tenant-based Voucher assistance in accordance with requirements of this part to lease a unit outside the initial PHA jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program under this part. The initial PHA must not provide such portable assistance for a participant if the family has moved out of its assisted unit in violation of the lease. HA
- (c) Nonresident applicants.
 - (1) This paragraph (c) applies if neither the household head or spouse of an assisted family already had a 'domicile' (legal residence) in the jurisdiction of the initial PHA at the time when the family first submitted an application for participation in the program to the initial PHA.
 - (2) The following apply during the 12-month period from the time when a family described in paragraph (c)(1) of this section is admitted to the program:
 - (i) The family may lease a unit anywhere in the jurisdiction of the initial PHA;
 - (ii) The family does not have any right to portability;
 - (iii) The initial PHA may choose to allow portability during this period.
 - (3) If both the initial PHA and a receiving PHA agree, the family may lease a unit outside the PHA jurisdiction under portability procedures.
- (d) Income eligibility.
 - (1) For admission to the program, a family must be income eligible in the area where the family initially leases a unit with assistance under the program.
 - (2) If a portable family is a participant in the initial PHA Section 8 tenant-based program (the PHA Voucher Program), income eligibility is not redetermined when the family moves to the receiving PHA program under portability procedures.
 - (3) Except as provided in paragraph (d)(2) of this section, a portable family must be income eligible for admission to the Voucher Program in the area where the family leases a unit under portability procedures.
- (e) Leasing in-place. If the dwelling unit is approvable, a family may select the dwelling unit occupied by the family before selection for participation in the program.

- (f) Freedom of choice. The PHA may not directly or indirectly reduce the family's opportunity to select among available units except as provided in paragraph (a) of this section, or elsewhere in this part 982 (e.g. prohibition on use of ineligible housing, housing not meeting HQS, or housing for which the rent to owner exceeds a reasonable rent).

XIII. Portability: Administration by receiving PHA. (982.355)

- (a) When a family moves under portability (in accordance with § 982.353(b)) to an area outside the initial PHA jurisdiction, another PHA (the 'receiving PHA') **must** administer assistance for the family if a PHA with a tenant -based program has jurisdiction in the area where the unit is located.
- (b) In the conditions described in paragraph (a) of this section, a PHA with jurisdiction in the area where the family wants to lease a unit must issue a Voucher to the family. If there is more than one such PHA, the initial PHA may choose the receiving PHA.
- (c) Portability procedures.
- (1) The receiving PHA does not redetermine eligibility for a portable family that was already receiving assistance in the initial PHA Section 8 tenant -based program (the PHA voucher program). However, for a portable family that was not already receiving assistance in the PHA tenant -based program, the initial PHA must determine whether the family is eligible for admission to the receiving PHA voucher program.
 - (2) The initial PHA must advise the family how to contact and request assistance from the receiving PHA. The initial PHA must promptly notify the receiving PHA to expect the family.
 - (3) The family must promptly contact the receiving PHA, and comply with receiving PHA procedures for incoming portable families.
 - (4) The initial PHA must give the receiving PHA the most recent HUD Form 50058 (Family Report) for the family, and related verification information. If the receiving PHA opts to conduct a new reexamination, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit unless the recertification is necessary to determine income eligibility.
 - (5) When the portable family requests assistance from the receiving PHA, the receiving PHA must promptly inform the initial PHA whether the receiving PHA will bill the initial PHA for assistance on behalf of the portable family, or will absorb the family into its own program.
 - (6) The receiving PHA must issue a voucher to the family. The term of the receiving PHA voucher may not expire before the expiration date of any initial PHA voucher. The receiving PHA must determine whether to extend the voucher term. The family must submit a request for approval of the tenancy to the receiving PHA during the term of the receiving PHA voucher.
 - (7) The receiving PHA must determine the family unit size for the portable family. The family unit size is determined in accordance with the subsidy standards of the receiving PHA.
 - (8) The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program, or if the family fails to submit a request for approval of the tenancy for an eligible unit within the term of the voucher.
 - (9) To provide tenant -based assistance for portable families, the receiving PHA must perform all PHA program functions, such as reexaminations of family income and

composition. At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance to the family in accordance with §§ 982.552 and §982.553.

- (10) When the family has a right to lease a unit in the receiving PHA jurisdiction under portability procedures in accordance with § 982.353(b), the receiving PHA must provide assistance for the family. Receiving PHA procedures and preferences for selection among eligible applicants do not apply, and the receiving PHA waiting list is not used. However, the receiving PHA may deny or terminate assistance for family action or inaction in accordance with §§982.552 and 982.553.

(d) Absorption by the receiving PHA.

- (1) If funding is available under the consolidated ACC for the receiving PHA Voucher Program when the portable family is received, the receiving PHA may absorb the family into the receiving PHA Voucher Program. After absorption, the family is assisted with funds available under the consolidated ACC for the receiving PHA tenant-based program.
- (2) HUD may require that the receiving PHA absorb all or a portion of the portable families.

(e) Portability Billing.

- (1) To cover assistance for a portable family, the receiving PHA may bill the initial PHA for Housing Assistance Payments and administrative fees. This paragraph (e) describes the billing procedure.
- (2) The initial PHA must promptly reimburse the receiving PHA for the full amount of the Housing Assistance Payments made by the receiving PHA for the portable family. The amount of the Housing Assistance Payment for a portable family in the receiving PHA program is determined in the same manner as for other families in the receiving PHA program.
- (3) The initial PHA must promptly reimburse the receiving PHA for 80 percent of the initial PHA on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving PHA. If both PHA's agree, the PHA's may negotiate a different amount of reimbursement.
- (4) HUD may reduce the administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements.
- (5) In administration of portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required billing forms. The initial and receiving PHA must comply with billing and payment deadlines under the financial procedures.
- (6) A PHA must manage the PHA tenant-based program in a manner that ensures that the PHA has the financial ability to provide assistance for families that move out of the PHA program under the portability procedures that have not been absorbed by the receiving PHA, as well as for families that remain in the PHA program.
- (7) When a portable family moves out of the tenant-based program of a receiving PHA that has not absorbed the family, the PHA in the new jurisdiction to which the family moves becomes the receiving PHA, and the first receiving PHA is no longer required to provide assistance for the family.

- (f) Portability funding.
 - (1) HUD may transfer funds for assistance to portable families to the receiving PHA from funds available under the initial PHA ACC.
 - (2) HUD may provide additional funding (e.g., funds for incremental units) to the initial PHA for funds transferred to a receiving PHA for portability purposes.
 - (3) HUD may provide additional funding (e.g., funds for incremental units) to the receiving PHA for absorption of portable families.
 - (4) HUD may require the receiving PHA to absorb portable families.

XIV. Obligation of participant. (982..551)

- (a) Purpose. This section states the obligations of a participant family under the program.
- (b) Supplying required information
 - (1) The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. 'Information' includes any requested certification, release or other documentation.
 - (2) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
 - (3) The family must disclose and verify social security numbers (as provided by part 5, subpart B, of this title) and must sign and submit consent forms for obtaining information in accordance with part 5, subpart B, of this title.
 - (4) Any information supplied by the family must be true and complete.
- (c) HQS breach caused by family. The family is responsible for an HQS breach caused by the family.
- (d) Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
- (e) Violation of lease. The family may not commit any serious or repeated violation of the lease.
- (f) Family notice of move or lease termination. The family must notify the PHA and the owner in writing thirty (30) days before the family moves out of the unit, or terminates the lease on notice to the owner.
- (g) Owner eviction notice. The family must promptly give the PHA a copy of any owner eviction notice.
- (h) Use and occupancy of unit --
 - (1) The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
 - (2) The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any

other family member as an occupant of the unit. No other person i.e., nobody but members of the assisted family may reside in the unit (except for a foster child or live-in-aide as provided in paragraph(h)(4) of this section).

- (3) The family must promptly notify the PHA if any family member no longer resides in the unit.
- (4) If the PHA has given approval, a foster child or a live-in-aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or live-in-aide, and defining when PHA consent may be given or denied.
- (5) Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.
- (6) The family must not sublease or let the unit.
- (7) The family must not assign the lease or transfer the unit.
- (i) Absence from unit. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.
- (j) Interest in unit. The family must not own or have any interest in the unit.
- (k) Fraud and other program violation. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
- (l) Crime by family members. The members of the family may not engage in drug-related criminal activity, or violent criminal activity.
- (m) Other housing assistance. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

XV. PHA denial or termination of assistance for family. (982.552)

- (a) Action or inaction by family
 - (1) A PHA may deny assistance for an applicant or terminate assistance for a participant under the programs because of the family's action or failure to act as described in this section or §982.553. The provisions of this section do not affect denial or termination of assistance for grounds other than action or failure to act by the family.
 - (2) Denial of assistance for an applicant will include any or all of the following: denying listing on the PHA waiting list, denying or withdrawing a voucher, refusing to enter into a HAP contract or approve a lease, and refusing to process or provide assistance under portability procedures.
 - (3) Termination of assistance for a participant will include any or all of the following: refusing to enter into a HAP contract or approve a lease, terminating Housing Assistance Payments under an outstanding HAP contract, and refusing to process or provide assistance under portability procedures.

- (4) This section does not limit or affect exercise of the PHA rights and remedies against the owner under the HAP contract, including termination, suspension or reduction of housing assistance payments, or termination of the HAP contract.
- (b) Requirement to deny admission or terminate assistance.
- (1) [Reserved]
 - (2) The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.
 - (3) The PHA must deny admission to the program for an applicant, or terminate program assistance for a participant, if any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5, subparts B and F.
 - (4) The family must submit required evidence of citizenship or eligible immigration status. See 24 CFR Part 5 of this title for a statement of circumstances in which the PHA must deny admission or terminate program assistance because a family member does not establish citizenship or eligible immigration status, and the applicable informal hearing procedures.
- (c) Authority to deny admission or terminate assistance.
- (1) Grounds for denial or termination of assistance. The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:
 - (i) If the family violates any family obligations under the program (see § 982.551). See § 982.553 concerning denial or termination of assistance for crime by family members.
 - (ii) If any member of the family has been evicted from federally assisted housing in the last five years;
 - (iii) If a PHA has ever terminated assistance under the program for any member of the family.
 - (iv) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
 - (v) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or Public Housing assistance under the 1937 Act.
 - (vi) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
 - (vii) If the family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.)
 - (viii) If a family participating in the FSS Program fails to comply, without good cause, with the family's FSS contract of participation.

- (ix) If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.
 - (x) If a welfare -to-work (WTW) family fails to fulfill its obligations under the welfare-to-work voucher program.
- (2) PHA discretion to consider circumstances. In determining whether to deny admission or terminate assistance because of action or failure to act by members of the family:
- (i) The PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.
 - (ii) The PHA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will no longer reside in the unit. The PHA may permit the other members of a participant family to continue receiving assistance.
 - (iii) If the family includes a person with disabilities, the PHA decision concerning such action is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.
- (d) Information for family. The PHA must give the family a written description of:
- (1) Family obligations under the program.
 - (2) The grounds on which the PHA will deny or terminate assistance because of family action or failure to act.
 - (3) The PHA informal hearing procedures.
- (e) Applicant screening. The PHA may at any time deny program assistance for an applicant in accordance with the PHA policy, as stated in the PHA administrative plan, on screening of applicants for family behavior or suitability for tenancy.

XVI. Crime by family members. (982.553)

- (a) At any time, the PHA will deny assistance to an applicant, or terminate assistance to a participant family if any member of the family commits:
 - (1) Drug-related criminal activity; or
 - (xii) Violent criminal activity; or
 - (3) Has been in violation of the Seguin Housing Authority's One Strike Policy while being assisted in any federally subsidized housing assistance program.
- (b) If the PHA seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one year before the date that the PHA provides notice to the family of the PHA determination to deny or terminate assistance. The PHA may not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:

- (1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
- (2) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.
- (c) Evidence of criminal activity. In determining whether to deny or terminate assistance based on drug-related criminal activity or violent criminal activity, the PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

SECTION 3 ANY SPECIAL RULES FOR USE OF AVAILABLE FUNDS WHEN HUD PROVIDES FUNDING TO THE PHA FOR A SPECIAL PURPOSE (E.G., DESEGREGATION), INCLUDING FUNDING FOR SPECIFIED FAMILIES OR A SPECIFIED CATEGORY OF FAMILIES

Any use of funding for special purposes, (e.g. desegregation), including funding for specified families or a specified category of families, will be used in accordance with:

- (a) Any written HUD regulation;
- (b) Any state or local law;
- (c) PHA board approval.

SECTION 4 OCCUPANCY POLICIES

I. Family income and composition: Regular and interim examinations. (982.516)

- (a) PHA responsibility for reexamination and verification.
 - (1) PHA responsibility for reexamination and verification. The PHA must conduct a reexamination of family income and composition at least annually.
 - (2) The PHA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:
 - (i) Reported family annual income;
 - (ii) The value of assets;
 - (iii) Expenses related to deductions from annual income; and
 - (iv) Other factors that affect the determination of adjusted income.
- (b) When PHA conducts interim reexamination.
 - (1) At any time, the PHA may conduct an interim reexamination of family income and composition.
 - (2) At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The PHA must make the interim determination within a reasonable time after the family request.

- (3) Interim examinations must be conducted in accordance with policies in the PHA Administrative Plan.
- (c) Family reporting of change. The PHA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.
- (d) Effective date of reexamination.
 - (1) The PHA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim redetermination.
 - (2) At the effective date of a regular or interim reexamination, the PHA must make appropriate adjustments in the housing assistance payment. (For a voucher tenancy, the housing assistance payments shall be calculated in accordance with §982.505.
- (e) Family member income. Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The PHA must conduct a reexamination to determine such additional income, and must make appropriate adjustments in the housing assistance payment.
- (f) Accuracy of family income data. The PHA must establish procedures that are appropriate and necessary to assure that income data provided by applicant or participant families is complete and accurate.
- (g) Execution of release and consent.
 - (1) As a condition of admission to or continued assistance under the program, the PHA shall require the family head, and such other family members as the PHA designates, to execute a HUD -approved release and consent form (including any release and consent as required under part 760 of this title) authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the PHA or HUD such information as the PHA or HUD determine to be necessary.
 - (2) The PHA and HUD must limit the use or disclosure of information obtained from a family or from another source pursuant to this release and consent to purposes directly in connection with administration of the program.

(xiii) **Welfare Benefit Reductions:** (5.615)

- (a) This applies to covered families who receive Section 8 tenant -based assistance (under 24 CFR Part 982).

(xiv) **Definitions.** The following definitions apply for purposes of this section:

Covered families: Families who receive welfare assistance or other public assistance benefits (“welfare benefits”) from a State or other public agency for which Federal, State, or local law requires that a member of the family must participate in an economic self -sufficiency program as a condition for such assistance.

Economic self -sufficiency program: Any program designed to encourage, assist, train, or facilitate the economic independence of HUD -assisted families or to provide work for such families. These programs include programs for job training, employment, counseling, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Imputed welfare income: The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction :

(xv) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

- a. at expiration of a lifetime or other time limit on the payment of welfare benefits;
- b. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
- c. because a family member has not complied with other welfare agency requirements.

(xvi) Imputed welfare income.

(xvii) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA (agency) by the welfare agency), plus the total amount of other annual income as determined in accordance with definition of Annual Income.

(xviii) At the request of the PHA (agency), the welfare agency will inform the PHA (agency) in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA (agency) of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA (agency) will use this information to determine the amount of imputed welfare income for a family.

(xix) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA (agency's) interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA (agency) by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

(5) The PHA (agency) may not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.

(xx) Review of PHA (agency) decision.

(xxi) Public Housing - - (see Admissions & Occupancy Policy for Low-Rent Housing)

- (xxii) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with 24 CFR 982.555, to review the PHA (agency) determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA (agency) denies the family's request to modify such amount the PHA (agency) shall give the family written notice of such denial, with a brief explanation of the basis for the PHA (agency) determination, the family may request an informal hearing on the determination under the PHA (agency) hearing procedure.
- (xxiii) PHA (agency) relation with welfare agency.
- (xxiv) the PHA (agency) must ask welfare agencies to inform the PHA (agency) of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA (agency) written notice of such reduction, the family's annual income shall include the imputed welfare income because of the specified welfare benefits reduction.
- (xxv) The PHA (agency) is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA (agency). However, the PHA (agency) is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
- (xxvi) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA (agency) shall be entitled to rely on the welfare agency notice to the PHA (agency) of the welfare agency's determination of a specified welfare benefits reduction.

III. Minimum rent and hardships (5.616)

- (a) The PHA establishes a minimum rent of **\$50**.
- (b) The PHA will grant an exemption from payment of this minimum rent if the family is unable to pay that rent as a result of financial hardship, as described below.
 - (1) Financial hardship. The financial hardships that must be included are the following:
 - (i) When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;
 - (ii) When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - (iii) When the income of the family has decreased because of changed circumstances, including loss of employment;
 - (iv) When a death has occurred in the family; and

- (v) Other circumstances determined by the responsible entity or HUD.
- (2) Request for hardship exemption.
 - (i) For Section 8 Voucher and Moderate Rehabilitation programs and Project-Based Section 8 assistance.
 - (A) If a family requests a hardship exemption, the responsible entity must suspend the minimum rent requirement beginning the month following the family's hardship request until the responsible entity determines whether there is a qualifying financial hardship and whether it is temporary or long term.
 - (B) If the PHA determines there is a qualifying financial hardship, but that it is temporary, the PHA may not impose a minimum rent for a period of 90 days from the date of the family's request. At the end of the 90-day suspension period, a minimum rent is imposed retroactively to the time of suspension. The family must be offered a responsible repayment agreement for the amount of back rent owed.
 - (ii) For all programs.
 - (A) If the PHA determines there is no qualifying hardship exemption, the PHA will reinstate the minimum rent including the back payment for minimum rent from the time of suspension on terms and conditions established by the responsible entity.
 - (B) If the PHA determines there is a qualifying long-term financial hardship, the responsible entity must exempt the family from the minimum rent requirements.

IV. Earned Income Disallowance (EID)/Self-sufficiency for persons with disabilities (982.5.617)

Disallowance of increase in annual income is applicable only to persons with a disability as defined in the definitions portion of this Administrative Plan.

- i. **Previously unemployed includes a person with disabilities you have earned, in the twelve (12) months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage and is currently residing in tenant-based rental assistance housing.**
- (b) **Disallowance of increase in annual income**
 - (1) **Initial twelve month exclusion. During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program list located in the definitions portions of the Plan) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.**
 - (xxvii) **Second twelve-month exclusion and phase-in. During the second cumulative twelve month period after the date a member who is a person with disabilities of**

a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(xxviii) Maximum four -year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (b) (1) or (b)(2) is limited to a lifetime 48 month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph (b)(1) and a maximum of twelve months for disallowance under paragraph (b)(2), during the 48 -month period starting from the initial exclusion under paragraph (b)(1) of this section.

(c) Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

V. Utility allowances schedule. (982..517)

(a) Maintaining schedule.

- (1) The PHA must maintain a utility allowances schedule for all tenant -paid utilities (except telephone), for cost of tenant -supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection, disposal of waste and refuse).
- (2) The PHA must give HUD a copy of the utility allowances schedule. At HUD's request, the PHA also must provide any information or procedures used in preparation of the schedule.

(b) How allowances are determined.

- (1) The utility allowances schedule must be determined based on the typical cost of utilities and services paid by energy -conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the PHA must use normal patterns of consumption for the community as a whole and current utility rates.
- (2) (i) A PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the PHA may not provide any allowance for non -essential utility costs, such as costs of cable or satellite television.
- (ii) In the utility allowance schedule, the PHA must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection (disposal of waste and refuse); other electric; refrigerator (cost of tenant-supplied refrigerator); range (cost of tenant -supplied range); and other specified housing services. The PHA must provide a utility allowance for tenant-paid air -conditioning costs if the majority of housing units in the market provide centrally air -conditioned units or there is appropriate wiring for tenant-installed air conditioners.

- (3) The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, row house, town house, single-family detached, and manufactured housing) that are typical in the community.
 - (4) The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.
- (c) Revisions of utility allowance schedule.
- (1) A PHA must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The PHA must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.
 - (2) At HUD's direction, the PHA must revise the utility allowance schedule to correct any errors, or as necessary to update the schedule.
- (d) Use of utility allowance schedule.
- (1) The PHA must use the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the PHA subsidy standards).
 - (2) At reexamination, the PHA must use the PHA's current utility allowance schedule.
- (e) Higher utility allowance as reasonable accommodation for a person with disabilities. On request from a family that includes a person with disabilities, the PHA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

VI. Voucher tenancy: How to calculate Housing Assistance Payment. (982.505)

- (a) Use of payment standard. A payment standard is used to calculate the monthly housing assistance payment for a family. The 'payment standard' is the maximum monthly subsidy payment.
- (b) Amount of monthly housing assistance payment. The PHA shall pay a monthly housing assistance payment on behalf of the family that is equal to the lower of:
 - (1) The payment standard for the family minus the total tenant payment; or
 - (2) The gross rent minus the total tenant payment.
- (c) Payment standard for family.
 - (1) The payment standard for the family is the lower of:
 - (i) The payment standard amount for the family unit size; or
 - (ii) The payment standard amount for the size of the dwelling unit rented by the family.
 - (2) If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with §982.503.

- (3) During the first 24 months of the HAP contract term, the payment standard for a family is the higher of:
 - (i) The initial payment standard (at the beginning of the HAP contract term), as determined in accordance with paragraphs (c)(1) and (c)(2) of this section, minus any amount by which the initial rent to owner exceeds the current rent to owner; or
 - (ii) The payment standard, as determined in accordance with paragraphs (c)(1) and (c)(2) of this section, as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- (4) After the first 24 months of the HAP contract term, the payment standard for a family is the payment standard as determined in accordance with paragraphs (c)(1) and (c)(2) of this section, as determined at the effective date of the most recent regular reexamination of family income and composition after the beginning of the HAP contract term.
- (5) At the next regular reexamination following a change in family size or composition that causes a change in family unit size during the HAP contract term, and for any examination thereafter during the term:
 - (i) Paragraph (c)(3)(i) of this section does not apply; and
 - (ii) The new family unit size must be used to determine the payment standard.

VII. Definition of what group of persons may qualify as a 'family' and of when a family is 'continuously assisted'

- (a) Definition of what group of persons may qualify as a 'family'; Can be found in Section 1, I, (c), (1) through (5).
- (b) Definition of when a family is considered to be 'continuously assisted'; Can be found in Section 1, I, (d).

SECTION 5 ENCOURAGING PARTICIPATION BY OWNERS OF SUITABLE UNITS LOCATED OUTSIDE AREAS OF LOW INCOME OR MINORITY CONCENTRATION

Advertisements in the newspaper and on the radio will be made as well as contacts by phone or personal visits to inform the real estate community about the availability of funding for program participants. Landlords or property owners will be encouraged to call our office and list any available rental property they would consider putting on the Section 8 Program.

SECTION 6 ASSISTING A FAMILY THAT CLAIMS THAT ILLEGAL DISCRIMINATION HAS PREVENTED THE FAMILY FROM LEASING A SUITABLE UNIT

Illegal discrimination: PHA assistance to family. (982.304)

A family may claim that illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance

under the program. The PHA must give the family information on how to fill out and file a housing discrimination complaint.

SECTION 7 PROVIDING INFORMATION ABOUT A FAMILY TO PROSPECTIVE OWNERS

The PHA must give the owner the following information about the tenant:

- (a) The family's current and prior address (as shown in the PHA records); and
- (b) The name and address (if known to the PHA) of the landlord at the family's current and prior address.

SECTION 8 DISAPPROVAL OF OWNERS

I. PHA Disapproval of owner. (982.306)

- (a) The PHA must not approve an assisted tenancy if the PHA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- (b) When directed by HUD, the PHA must not approve an assisted tenancy if:
 - (1) The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or
 - (2) A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
- (c) In its administrative discretion, the PHA may deny approval to lease a unit from an owner for any of the following reasons:
 - (1) The owner has violated obligations under a Housing Assistance Payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
 - (2) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
 - (3) The owner has engaged in any drug -related criminal activity or any violent criminal activity;
 - (4) The owner has a history or practice of non -compliance with the HQS for units leased under the tenant -based programs, or with applicable housing standards for units leased with Project -Based Section 8 assistance or leased under any other federal housing program;
 - (5) The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

- (i) Threatens the right to peaceful enjoyment of the premises by other residents;
 - (ii) Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing;
 - (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
 - (iv) Is engaged in drug -related criminal activity or violent criminal activity; or
- (6) The owner has a history or practice of renting units that fail to meet State or local housing codes; or
- (7) The owner has not paid State or local real estate taxes, fines or assessments.
- (d) The PHA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction against PHA approval of a unit only applies at the time a family initially receives tenant -based assistance for occupancy of a particular unit, but does not apply to PHA approval of a new tenancy with continued tenant -based assistance in the same unit.
- (e) Nothing in this rule is intended to give any owner any right to participate in the program.
- (f) For purposes of this section, 'owner' includes a principal or other interested party.

SECTION 9 S UBSIDY STANDARDS

I. Subsidy standards. (982.402)

- (a) Purpose.
- (1) The PHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions.
 - (2) For each family, the PHA determines the appropriate number of bedrooms under the PHA subsidy standards (family unit size).
 - (3) The family unit size number is entered on the Voucher issued to the family. The PHA issues the family a voucher for the family unit size when a family is selected for participation in the program.
- (b) Determining family unit size. The following requirements apply when the PHA determines family unit size under the PHA subsidy standards:
- (1) The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
 - (2) The subsidy standards must be consistent with space requirements under the housing quality standards.

- (3) The subsidy standards must be applied consistently for all families of like size and composition.
 - (4) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
 - (5) A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
 - (6) Any live-in-aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;
 - (7) Unless a live-in-aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, as determined under the PHA subsidy standards.
 - (8) In determining family unit size for a particular family, the PHA may grant an exception to its established subsidy standards if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. (For a single person other than a disabled or elderly person or remaining family member, such PHA exception may not override the limitation in paragraph (b)(7) of this section.)
- (c) Effect of family unit size --- maximum subsidy in Voucher Program. The family unit size as determined for a family under the PHA subsidy standard is used to determine the maximum rent subsidy for a family assisted in the Voucher Program. For a Voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standard for a family shall be the lower of:
- (1) The payment standard amount for the family unit size; or
 - (2) The payment standard amount for the unit size of the unit rented by the family.
- (d) Size of unit occupied by family.
- (1) The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.
 - (2) The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit size.

Voucher or Certificate Bedroom Size	Minimum No. in Household	Maximum No. in Household
0 -Bedroom	1	2
1 -Bedroom	1	2
2 -Bedroom	2	4
3 -Bedroom	3	6
4 -Bedroom	4	8

5 -Bedroom	5	10
-------------------	---	----

- (e) The HQS rule for no more than 2 persons per living sleeping room will be followed. The following criteria will be used in accordance with the occupancy guidelines:
- (1) The bedroom size assigned will not require persons of the opposite sex other than husband and wife to occupy the same bedroom with the exception of infants and very young children under the age of three (3).
 - (2) A two bedroom unit may be used by a two member family which consists of a single parent and child (over the age of three) or by a couple who, due to medical reasons must have separate bedrooms, as approved by the PHA.

II. Live-in aide. (982.316)

- (a) A family that consists of one or more elderly, near -elderly or disabled persons may request that the PHA approve a live -in aide to reside in the unit and provide necessary supportive services for a family member who is a person with disabilities. The PHA must approve a live -in aide if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.
- (b) At any time, the PHA may refuse to approve a particular person as a live -in aide, or may withdraw such approval, if:
- (1) The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
 - (2) The person commits drug -related criminal activity or violent criminal activity; or
 - (3) The person currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or Public Housing assistance under the 1937 Act.

SECTION 10 FAMILY ABSENCES FROM THE DWELLING UNIT

I. Absence from unit. (982.312)

- (a) The family may be absent from the unit for brief periods, not to exceed fourteen days without proper notice to the PHA. For longer absences, the family may not be absent from the unit for a period of more than 90 consecutive calendar days in any circumstance, or for any reason.
- (b) Housing Assistance Payments terminate if the family is absent for longer than the maximum period permitted. The term of the HAP contract and assisted lease also terminate. (The owner must reimburse the PHA for any Housing Assistance Payment for the period after the termination.)
- (c) Absence means that no member of the family is residing in the unit.
- (1) The family must supply any information or certification requested by the PHA to verify if that the family is residing in the unit, or relating to family absence from the unit. The family must cooperate with the PHA for this purpose. The family must promptly notify

the PHA of absence from the unit, including any information requested on the purposes of family absences.

- (2) The PHA may adopt appropriate techniques to verify family occupancy or absence, including letters to the family at the unit, phone calls, visits or questions to the landlord or neighbors.

SECTION 11 HOW TO DETERMINE WHO REMAINS IN THE PROGRAM IF A FAMILY BREAKS UP

Family break -up. (982.315)

- (a) For a family with children;

The family member who will be responsible for children will remain on the program with continued assistance. If both head and spouse have custody of the children from previous marriages, the person who receives continued assistance must be decided by the head and spouse prior to program participation.

- (b) For a couple without children;

The person who receives continued assistance must be decided prior to program participation.

- (c) If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the PHA is bound by the court's determination of which family members continue to receive assistance in the program.

SECTION 12 INFORMAL REVIEW PROCEDURES FOR APPLICANTS

Informal review for applicant. (982.554)

- (a) Notice to applicant. The PHA must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the PHA decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review.
- (b) Informal review process. The PHA must give an applicant an opportunity for an informal review of the PHA decision denying assistance to the applicant. The Administrative Plan must state the PHA procedures for conducting an informal review. The PHA review procedures must comply with the following:
 - (1) The review may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.
 - (2) The applicant must be given an opportunity to present written or oral objections to the PHA decision.

- (3) The PHA must notify the applicant of the PHA final decision after the informal review, including a brief statement of the reasons for the final decision.
- (c) When informal review is not required. The PHA is not required to provide the applicant an opportunity for an informal review for any of the following:
 - (1) Discretionary administrative determinations by the PHA.
 - (2) General policy issues or class grievances.
 - (3) A determination of the family unit size under the PHA subsidy standards.
 - (4) A PHA determination not to approve an extension or suspension of a Voucher term.
 - (5) A PHA determination not to grant approval of the tenancy.
 - (6) A PHA determination that a unit selected by the applicant is not in compliance with HQS
 - (7) A PHA determination that the unit is not in accordance with HQS because of the family size or composition.
- (d) Restrictions on assistance for noncitizens. The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24CFR part 5.

SECTION 13 INFORMAL HEARING PROCEDURES FOR PARTICIPANTS

Informal hearing for participant. (982.555)

- (a) When hearing is required
 - (1) A PHA must give a participant family an opportunity for an informal hearing to consider whether the following PHA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and PHA policies:
 - (i) A determination of the family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
 - (ii) A determination of the appropriate utility allowance (if any) for tenant -paid utilities from the PHA utility allowances schedule.
 - (iii) A determination of the family unit size under the PHA subsidy standards.
 - (iv) A determination to terminate assistance for a participant family because of the family's action or failure to act.
 - (v) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

- (2) In the cases described in paragraphs (a)(1)(iv), and (v) of this section, the PHA must give the opportunity for an informal hearing before the PHA terminates Housing Assistance Payments for the family under an outstanding HAP contract.
- (b) When hearing is not required. The PHA is not required to provide a participant family an opportunity for an informal hearing for any of the following:
- (1) Discretionary administrative determinations by the PHA.
 - (2) General policy issues or class grievances.
 - (3) Establishment of the PHA schedule of utility allowances for families in the program.
 - (4) A PHA determination not to approve an extension or suspension of a Voucher term.
 - (5) A PHA determination not to approve a unit or lease.
 - (6) A PHA determination that an assisted unit is not in compliance with HQS. (However, the PHA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in
 - (7) A PHA determination that the unit is not in accordance with HQS because of the family size.
 - (8) A determination by the PHA to exercise or not to exercise any right or remedy against the owner under a HAP contract.
- (c) Notice to family.
- (1) In the cases described in paragraphs (a)(1)(i), (ii) and (iii) of this section, the PHA must notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision. he
 - (i) In the cases described in paragraphs (a)(1)(iv), and (v) of this section, the PHA must give the family prompt written notice that the family may request a hearing. The notice must:
 - (ii) Contain a brief statement of reasons for the decision,
 - (ii) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
 - (iii) State the deadline for the family to request an informal hearing.
- (d) Expedient hearing process. Where a hearing for a participant family is required under this section, the PHA must proceed with the hearing in a reasonably expeditious manner upon the request of the family.
- (e) Hearing procedures
- (1) Hearings and reviews will be conducted solely by the hearing officer. The Hearing Officer will be someone who is not directly involved in the day-to-day administration of the Certificate or Voucher Program.

- (2) Any tenant or applicant entitled to a hearing or review must request the hearing or review within 10 working days of receipt of their letter or no later than 14 days from the date of their letter.
- (3) Hearings and reviews must be scheduled and held no later than 14 days from the deadline date on the tenant's or applicant's letter.
- (4) The tenant or applicant may obtain counsel or other representation at his or her own expense. The tenant and any counselor or representative will have access to the tenant file and may present any evidence and testimony in their favor. They will be allowed to ask any questions concerning their termination of assistance. Families will also be given the opportunity to examine and copy (at the family's expense) relevant PHA documents before the hearing. The PHA may also request examination of relevant documents in the family's possession.
- (5) Members of the staff will reply to the tenant's questions at the request of the Hearing Officer and will only respond concerning specific reasons for termination of assistance.
- (6) The Hearing Officer will base his decision solely on the evidence presented at the hearing. The decision will be in writing and will be mailed to the tenant no later than 15 days from the date of the hearing. The letter to the tenant will state the grounds for the decision that was made.
- (7) Discovery
 - (i) By family. The family must be given the opportunity to examine before the PHA hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.
 - (ii) By PHA. The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at PHA offices before the PHA hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.
 - (iii) Documents. The term 'documents' includes records and regulations.
- (8) Representation of family. At its own expense, the family may be represented by a lawyer or other representative.
- (9) Hearing officer: Appointment and authority.
 - (i) The hearing may be conducted by any person or persons designated by the PHA, other than a person whom made or approved the decision under review or a subordinate of this person.
 - (ii) The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA hearing procedures.

- (10) Evidence. The PHA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- (11) Issuance of decision. The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.
- (f) Effect of decision. The PHA is not bound by a hearing decision:
 - (1) Concerning a matter for which the PHA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the PHA hearing procedures.
 - (2) Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
 - (3) If the PHA determines that it is not bound by a hearing decision, the PHA must promptly notify the family of the determination, and of the reasons for the determination.
- (g) Restrictions on assistance to noncitizens. The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

SECTION 14 THE PROCESS FOR ESTABLISHING ANDREVI SING VOUCHER PAYMENT STANDARDS

Payment standard amount and schedule. (982.503)

- (a) Payment standard schedule.
 - (1) HUD publishes the fair market rents for each market area in the United States. The PHA must adopt a payment standard schedule that establishes Voucher payment standard amounts for each FMR area in the PHA jurisdiction. For each FMR area, the PHA must establish payment standard amounts for each 'unit size.' Unit size is measured by number of bedrooms (zero -bedroom, one -bedroom, and soon).
 - (2) The payment standard amounts on the PHA schedule are used to calculate the monthly Housing Assistance Payment for a family.
 - (3) The PHA Voucher payment standard schedule shall establish a single payment standard for each unit size in an FMR area and, if applicable, in an exception payment standard area within an FMR area.
- (b) Establishing payment standard amounts.
 - (1) (i) The PHA may establish the payment standard amount for a unit size at any level between 90 percent and 110 percent of the published FMR for that unit size. HUD approval is not required to establish a payment standard amount in that range ("basic range").
 - (4) The PHA may establish a separate payment standard within the basic range for a designated part of an FMR area.

- (iii) The PHA may establish a higher payment standard within the basic range if required as a reasonable accommodation for a family that includes a person with disabilities.
- (iv) The Seguin Housing Authority has adopted a Payment Standard of 100% of the Fair Market Rent as published by the Dept. of Housing and Urban Development (HUD),
- (2) The PHA must request HUD approval to establish a payment standard amount that is higher or lower than the basic range. HUD has sole discretion to grant or deny approval of a higher or lower payment standard amount. Paragraph (c) of this section describes the requirements for approval of a higher payment standard amount ('exception payment standard amount').
- (c) HUD approval of exception payment standard amount.
 - (1) HUD discretion. At HUD's sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the fair market rent area (called an 'exception area'). HUD may approve an exception payment standard amount in accordance with this paragraph (c) of this section for all units, or for all units of a given unit size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD -approved exception payment standard amount.
 - (2) Above 110 percent of FMR to 120 percent of FMR.
 - (i) The HUD Field Office may approve an exception payment standard amount from above 110 percent of the published FMR to 120 percent of the published FMR if such office determines that such approval is justified by either the median rent method or the 40th percentile rent as described below (and that such approval is also supported by an appropriate program justification in accordance with paragraph (c)(4) of this section).
 - (A) Median rent method. In the median rent method, HUD determines the exception payment standard amount by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census products.
 - (B) 40th percentile rent method. In this method, HUD determines that the area exception rent equals the 40th percentile of rents to lease standard quality rental housing in the exception area. HUD determines the 40th percentile rent in accordance with the methodology described in 888.113 of 24 CFR for determining fair market rents. A PHA must present statistically representative rental housing survey data to justify HUD approval.
 - (ii) The HUD Field Office may approve an exception payment standard amount within the upper range if required as a reasonable accommodation for a family that includes a person with disabilities.
 - (3) Above 120 percent of FMR.

- (i) At the request of a PHA, the Assistant Secretary for Public and Indian Housing may approve an exception payment standard amount for the total area of a county, PHA jurisdiction, or place if the Assistant Secretary determines that
 - (A) Such approval is necessary to prevent financial hardship for families
 - (B) Such approval is supported by statistically representative rental housing survey data to justify HUD approval in accordance with the methodology described in 888.113 of 24 CFR; and
 - (C) Such approval is also supported by an appropriate program justification in accordance with paragraph (c)(4) of this section.
 - (ii) For purposes of paragraph (c)(3) of this section, the term 'place' is an incorporated place or a U.S. Census designated place. An incorporated place is established by State law and includes cities, boroughs, towns, and villages. A U.S. Census designated place is the statistical counterpart of an incorporated place.
- (4) Program justification.
- (i) HUD will only approve an exception payment standard amount (pursuant to paragraph (c)(2) or paragraph (c)(3) of this section) if HUD determines that approval of such higher amount is needed either:
 - (A) To help families find housing outside areas of high poverty, or
 - (B) Because Voucher holders have trouble finding housing for lease under the program within the term of the Voucher.
 - (ii) HUD will only approve an exception payment standard amount (pursuant to paragraph (c)(3) of this section) after six months from the date of HUD approval of an exception payment standard pursuant to paragraph (c)(2) of this section for the area.
- (5) Population. The total population of HUD -approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.
- (6) Withdrawal or modification. At any time, HUD may withdraw or modify approval to use an exception payment standard amount.
- (d) HUD approval of payment standard amount below the basic range. HUD may consider a PHA request for approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve PHA establishment of a payment standard lower than the basic range. In determining whether to approve the PHA request, HUD will consider appropriate factors, including rent burden of families assisted under the program. HUD will not approve a lower payment standard if the family share for more than 40 percent of participants in the PHA's voucher program exceeds 30 percent of adjusted monthly income. Such determination may be based on the most recent examination of family income.
- (e) HUD review of PHA payment standards schedules.
- (1) HUD will monitor rent burdens of families assisted in a PHA's voucher program. HUD will review the PHA's payment standard for a particular unit size if HUD finds that 40 percent or more of such families occupying units of that unit size currently pay more than 30 percent of adjusted monthly income as the family share. Such determination may be based on the most recent examination of family income.

- (2) After such review, HUD may, at its discretion, require the PHA to modify payment standard amounts for any unit size on the PHA payment standard schedule. HUD may require the PHA to establish an increased payment standard amount within the basic range.

SECTION 15 THE METHOD OF DETERMINING THAT RENT TO OWNER IS A REASONABLE RENT (INITIALLY AND DURING THE TERM OF A HAP CONTRACT)

I. Rent to owner: Reasonable rent. (982.507)

- (a) PHA determination.
 - (1) The PHA may not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent.
 - (2) The PHA must redetermine the reasonable rent:
 - (i) Before any increase in the rent to owner;
 - (ii) If there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary; or
 - (iii) If directed by HUD.
 - (3) The PHA may also redetermine the reasonable rent at any other time.
 - (5) At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the PHA.
- (b) Comparability. The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:
 - (1) The location, quality, size, unit type, and age of the contract unit; and
 - (2) Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.
- (c) Owner certification of rents charged for other units. By accepting each monthly Housing Assistance Payment from the PHA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the PHA information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

II. Rent to owner: maximum family share at initial occupancy. (982.508)

(CFR Vol. 1.64, No. 177 Tuesday, September 14, 1999)

At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant based assistance under the program, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income. The determination of adjusted monthly income must be based on verification

information received by the PHA no earlier than 60 days before the PHA
(CFR Vol. 64, No. 212 Wednesday, November 3, 1999)

issues a voucher to the family.

III. Rent to owner in subsidized projects. (982.509)

In addition to the rent reasonableness limit under this subpart, the amount of rent to owner also may be subject to rent control limits under State or local law.

IV. Other fees and charges. (982.510)

- (a) The cost of meals or supportive services may not be included in the rent to owner, and the value of meals or supportive services may not be included in the calculation of reasonable rent.
- (b) The lease may not require the tenant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.
- (c) The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

**SECTION 16 SPECIAL POLICIES CONCERNING SPECIAL HOUSING TYPES IN THE PROGRAM
(E.G., USE OF SHARED HOUSING)**

This PHA has no Special Housing Types. When Special Housing types are obtained, they will be administered according to HUD written regulations and rules, and/or if applicable any State or Local Laws. Changes in this Administration Plan will be reviewed and approved by the Board of Commissioners.

SECTION 17 POLICIES CONCERNING REPAYMENT BY A FAMILY TO THE PHA OF AMOUNTS THE FAMILY OWES THE PHA

- (a) Program participants who owe the PHA a balance will not be allowed to relocate until their balance is paid in full. The PHA will not accept a new lease or enter into a landlord contract for any tenant who owes a balance of any kind.
- (b) The PHA will allow repayment agreements for program participants not to exceed 24 months maximum time period. Agreements will be for participants who owe the PHA for income that was not reported in a timely manner, and/or any funds paid by the PHA on the program participants' behalf.
 - (1) This PHA will consider timely manner to be within 30 days.
 - (1) This PHA will only allow repayment agreements with program participants.

SECTION 18 INTERIM REDETERMINATION OF FAMILY INCOME AND COMPOSITION

- (a) When PHA conducts interim reexamination.
 - (1) The PHA will conduct an interim reexamination of family income when the increase is greater than \$400 monthly. Any change of family composition must be reported to the PHA within 30 days.
 - (2) At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The PHA must make the interim determination within a reasonable time after the family request.
- (b) Effective date of reexamination.

Changes in income must be reported and verification in the PHA office no later than the 25th of the month preceding the effective date of the rent change.
- (c) Family member income. Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The PHA must conduct a reexamination to determine such additional income, and must make appropriate adjustments in the Housing Assistance Payment.

SECTION 19 RESTRICTIONS, IF ANY, ON THE NUMBER OF MOVES BY A PARTICIPANT FAMILY

Move with continued tenant -based assistance. (982.314)

- (a) Applicability. This section states when a participant family may move to a new unit with continued tenant -based assistance:
- (b) When family may move. A family may move to a new unit if:
 - (1) The assisted lease for the old unit has terminated. This includes a termination because:
 - (i) The PHA has terminated the HAP contract for the owner's breach; or
 - (ii) The lease has terminated by mutual agreement of the owner and the tenant.
 - (2) The owner has given the tenant a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant.
 - (3) The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach or otherwise).
- (c) How many moves.

- (1) A participant family may move one or more times with continued assistance under the program, either inside the PHA jurisdiction, or under the portability procedures.
- (2) The PHA policy on moves:
 - (i) PHA prohibits any move by the family during the initial year of assisted occupancy, unless;
 - (A) Move would provide for a verified medical need.
 - (B) Move would provide employment or educational opportunity.
 - (ii) PHA prohibits more than one move by the family during any one year period, unless;
 - (A) Move would provide for a verified medical need.
 - (B) Move would provide employment or educational opportunity.
- (3) This policy applies to moves within the PHA jurisdiction by a participant family, and to moves by a participant family outside the PHA jurisdiction under portability procedures.
- (d) Notice that family wants to move.
 - (1) If the family terminates the lease on notice to the owner, the family must give the PHA a copy of the notice at the same time.
 - (2) If the family wants to move to a new unit, the family must notify the PHA and the owner before moving from the old unit. If the family wants to move to a new unit that is located outside the initial PHA jurisdiction, the notice to the initial PHA must specify the area where the family wants to move.
- (e) When PHA may deny permission to move.
 - (1) The PHA may deny permission to move if the PHA does not have sufficient funding for continued assistance.
 - (2) At any time, the PHA may deny permission to move in accordance with Section 2 of this plan.

SECTION 20 A APPROVALS BY THE BOARD OF COMMISSIONERS OR OTHER AUTHORIZED OFFICIALS TO CHARGE THE ADMINISTRATIVE FEE RESERVE ;

- (f) The PHA Board of Commissioners must approve any request for expenditures, which may be made from the operating reserve, for other housing purposes, on a case-by-case basis.

- (g) For operating reserve expenditures, for other housing purposes, the PHA Board, as part of its approval, will make an affirmative determination that the expenditures are necessary and reasonable for purposes consistent with the PHA's authorities under State and local law.

SECTION 21 PROCEDURAL GUIDELINES AND PERFORMANCE STANDARDS FOR CONDUCTING REQUIRED HQS INSPECTIONS;

I. Terminating HAP contract when unit is too small. (982..403)

- (a) Violation of HQS space standards.
- (1) If the PHA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the PHA must issue the family a new Voucher, and the family and PHA must try to find an acceptable unit as soon as possible.
 - (2) If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.
- (b) Termination. When the PHA terminates the HAP contract under paragraph (a) of this section:
- (1) The PHA must notify the family and the owner of the termination; and
 - (2) The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.
 - (3) The family may move to a new unit in accordance with Section 2.

II. Maintenance: Owner and family responsibility; PHA remedies. (982..404)

- (a) Owner obligation.
- (1) The owner must maintain the unit in accordance with HQS.
 - (2) If the owner fails to maintain the dwelling unit in accordance with HQS, the PHA must take prompt and vigorous action to enforce the owner obligations. PHA remedies for such breach of the HQS include termination, suspension or reduction of Housing Assistance Payments and termination of the HAP contract.
 - (3) The PHA must not make any Housing Assistance Payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
 - (4) The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible (as provided later in this section). However, the PHA may terminate assistance to a family because of HQS breach caused by the family.
- (b) Family obligation.

- (1) The family is responsible for a breach of the HQS that is caused by any of the following:
 - (i) The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
 - (ii) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
 - (iii) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).
- (2) If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
- (3) If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family in accordance with Section 2.

III. PHA initial and periodic unit inspection. (982.405)

- (a) The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least annually during assisted occupancy, and at other times as needed, to determine if the unit meets the HQS.
- (b) The PHA must conduct supervisory quality control HQS inspections.
- (c) In scheduling inspections, the PHA must consider complaints and any other information brought to the attention of the PHA.
- (d) The PHA must notify the owner of defects shown by the inspection.
- (e) The PHA may not charge the family or owner for initial inspection or reinspection of the unit.
- (h) Initial Inspections
 - (1) Owners will be allowed 30 days or any extension approved by the PHA to correct deficiencies.
 - (2) If unit fails to pass inspection by the deadline on the inspection letter, the family will have to find another unit in order to receive assistance on the program.
 - (3) Extensions may be given for medical emergencies or for extensive rehabilitation of the unit.
 - (4) The PHA will inspect the unit within 7 days after the family and the owner submit the request for lease approval.
 - (5) Rental assistance will not begin until the unit has passed inspection.
- (g) Reexamination Inspections
 - (1) Owners will be allowed 30 days, or any extension approved by the PHA to correct

deficiencies.

(2) If unit fails to pass inspection by the deadline on the inspection letter, the rent will be abated.

(3) The contract will be terminated if unit has not passed by the end of the re-examination period,

(h) Special Inspections

(1) Special inspections may be requested by the tenant at any time during the lease term.

(2) The tenant must first notify the owner by letter of the repairs needed at the unit and provide the PHA office with a copy of the letter.

(3) If the owner has not taken action within 10 working days, the PHA will send an inspector to check the deficiencies and if necessary will then send the owner a letter advising him/her of the needed repairs and the deadline for completing them.

c. Quality Control Inspections

Quality control inspections will be conducted and performed as per federal regulations at 5 plus 1 for each fifty (or part of 50) over 50.

IV. Enforcement of HQS. (982.406)

Part 982 does not create any right of the family, or any party other than HUD or the PHA, to require enforcement of the HQS requirements by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

SECTION 22 PHA SCREENING OF APPLICANTS FOR FAMILY BEHAVIOR OR SUITABILITY FOR TENANCY .

Tenant screening. (982.307)

(a) PHA option and owner responsibility.

- (1) The PHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. However, the PHA may opt to screen applicants for family behavior or suitability for tenancy. The PHA must conduct any such screening of applicants in accordance with policies stated in the PHA Administrative Plan. (CFR Vol. 64, No. 177 Tuesday, September 14, 1999)
- (2) The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner.
- (3) The owner is responsible for screening of families on the basis of their tenancy histories. An owner may consider a family's background with respect to such factors as:
 - (i) Payment of rent and utility bills;
 - (ii) Caring for a unit and premises;
 - (iii) Respecting the rights of other residents to the peaceful enjoyment of their housing;
 - (iv) Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
 - (v) Compliance with the essential conditions of tenancy.

d. PHA information about tenant.

- (1) The PHA must give the owner:
 - (i) The family's current and prior address (as shown in the PHA records); and
 - (ii) The name and address (if known to the PHA) of the landlord at the family's current and prior address.

- (2) When a family wants to lease a dwelling unit, the PHA may offer the owner other information in the PHA possession, about the family, including information about the tenancy history of family members, or about drug -trafficking by family members.
- (3) The PHA must give the family a statement of the PHA policy on providing information to owners . The statement must be included in the information packet that is given to a family selected to participate in the program. The PHA policy must provide that the PHA will give the same types of information to all families and to all owners.

Definitions

The following definitions apply as noted in the respective program regulations:

For any definitions not covered in this Administration Plan please refer to the Admissions and Occupancy Policy for the Housing Authority of the City of Seguin.

1937 Act

The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.)

Absorption

In portability (under subpart H of 24 CFR Part 982): the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

ADA

The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

Administrative fee

Fee paid by HUD to the PHA for administration of the program. See § 982.152.

Administrative Plan

The plan that describes PHA policies for administration of the tenant -based programs. See § 982.54.

Admission

The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.

ALJ

An Administrative Law Judge appointed to HUD pursuant to 5 U.S.C. 3105 or detailed to HUD pursuant to 5 U.S.C. 3344.

Annual Contribution sContract(ACC)

The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Applicant(applicant family)

A family that has applied for admission to a program but is not yet a participant in the program.

Assistance applicant

Except as excluded pursuant to 42 U.S.C. 3543(b) and 3544(a)(2), this term means the following:

- (1) For any program under 24 CFR parts 215, 221, 236, 290, or 891, or any program under Section 8 of the 1937 Act: A family or individual that seeks rental assistance under the program.
- e. For any program under 24 CFR parts 904, 950, and 960: A prospective tenant or homebuyer seeking the benefit of the program.
- (3) For any program under 24 CFR part 235: A homeowner or cooperative member seeking homeownership assistance (including where the individual seeks to assume an existing mortgage).

Budget authority

An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Child

A member of the family other than the family head or spouse who is under 18 years of age

Child care expenses

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen

A citizen or national of the United States.

Computer match means

The automated comparison of databases containing records about individuals.

Computer matching agreement means

The agreement that describes the responsibilities and obligations of the parties participating in a computer match.

Consent form

Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and payments of retirement income), as referenced at 26 U.S.C. 6103(l)(7)(A); and return information for unearned income from the Internal Revenue Service, as referenced at 26 U.S.C. 6103(l)(7)(B). The consent forms expire after a certain time and may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits as provided in §§ 813.109, 913.109, and 950.315 of 24 CFR.

Contiguous MSA

In portability (under subpart H of this part 982): An Metropolitan Statistical Area (MSA) that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

Continuously assisted

An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the Voucher Program.

Contract authority

The maximum annual payment by HUD to a PHA for a funding increment.

Department

The Department of Housing and Urban Development

Dependent

A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Disability assistance expenses

Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled family

A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disallowance. Exclusion from annual income.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Displaced family

A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Domicile

The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug-related criminal activity

As defined in 42 U.S.C. 1437f(f)(5)

Drug-trafficking

The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Elderly family

A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly Person

An individual who is at least 62 years of age.

Employer Identification Number (EIN)

The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation pursuant to sections 6011(b), or corresponding provisions of prior law, or 6109 of the Internal Revenue Code.

Entity applicant

f. Except as excluded pursuant to 42 U.S.C. 3543(b), 3544(a)(2), and paragraph

- g. Of this definition, this term means a partnership, corporation, or any other association or entity, other than an individual owner applicant, that seeks to participate as a private owner in any of the following:
 - a. The project -based assistance programs under Section 8 of the 1937 Act;
 - b. The programs in 24 CFR parts 215, 221, or 236; or
 - (iii) The other mortgage and loan insurance programs in 24 CFR parts 201 through 267, except that the term 'entity applicant' does not include a mortgagee or lender.
- (3) The term does not include a public entity, such as a PHA, IHA, or State Housing Finance Agency.

Evidence of citizenship or eligible status

The documents that must be submitted to evidence citizenship or eligible immigration status.

Fair Housing Act

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

Fair Market Rent (FMR)

The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR part 888.

Family

Includes but is not limited to:

- h. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- (2) An elderly family;
- i. A near -elderly family;
- (4) A disabled family;
- (5) A displaced family;
- (6) The remaining member of a tenant family; and
- (7) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family Self -Sufficiency Program (FSS Program)

The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Familyshare

The portion of rent and utilities paid by the family. For calculation of family share, see 24 CFR §982.515(a).

Familyunit size

The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

Federal agency

A department of the executive branch of the Federal Government.

Full-time student

A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or Certificate Program, as well as an institution offering a college degree.

General Counsel

The General Counsel of HUD

Grantee

The person or legal entity to which a grant is awarded and that is accountable for the use of the funds provided.

Gross rent

The sum of the rent to owner plus any utility allowance

HAP contract

Housing Assistance Payments contract

Head of household

The adult member of the family who is the head of the household for purposes of determining Income eligibility and rent

Housing agency (HA)

A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. ("PHA" and "HA" mean the same thing.)

Housing Assistance Payment

The monthly assistance payment by a PHA, which includes:

1. A payment to the owner for rent to the owner under the family's lease; and
2. An additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing covered programs

The following programs administered by the Assistant Secretary for Housing:

1. Section 235 of the National Housing Act (12 U.S.C. 1715z) (the Section 235 Program);
2. Section 236 of the National Housing Act (12 U.S.C. 1715z -1) (tenants paying below market rent only) (the Section 236 Program); and
3. Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) (the Rent Supplement Program).

Housing quality standards (HQS)

The HUD minimum quality standards for housing assisted under the tenant-based programs. See 24 CFR § 982.401.

HUD

The same as Department.

- (1) Is authorized to engage or assist in the development or operation of low-income housing for Indians under the 1937 Act; and
- (2) Is established:
 - (i) By exercise of the power of self-government of an Indian Tribe independent of State law; or
 - (ii) By operation of State law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.

Income information

Information relating to an individual's income, including:

- (1) All employment income information known to current or previous employers or other income sources that HUD or the processing entity determines is necessary for purposes of determining an assistance applicant's or participant's eligibility for, or level of assistance in, a covered program;
- (2) All information about wages, as defined in the State's unemployment compensation law, including any Social Security Number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, Employer Identification Number of an employer reporting wages under a State unemployment compensation law;

- (3) With respect to unemployment compensation:
 - (i) Whether an individual is receiving, has received, or has applied for unemployment compensation;
 - (ii) The amount of unemployment compensation the individual is receiving or is entitled to receive; and
 - (iii) The period with respect to which the individual actually received such compensation;
- (4) Unearned IRS income and self-employment, wages and retirement income as described in the Internal Revenue Code, 26 U.S.C. 6103(l)(7); and
- (5) Wage, social security (Title II), and supplemental security income (Title XVI) data obtained from the Social Security Administration.

Individual owner applicant

Except as excluded pursuant to 42 U.S.C. 3543(b), 3544(a)(2), or paragraph (2) of this definition, this term means:

- (1) An individual whose seek to participate as a private owner in any of:
 - (i) The project-based assistance programs under Section 8 of the 1937 Act;
 - j. The programs in 24 CFR parts 215, 221, 235 (without homeownership assistance), or 236, including where the individual seeks to assume an existing mortgage; or
- (2) An individual who:

Either:

 - (A) Applies for a mortgage or loan insured or coinsured under any of the programs referred to in paragraph (1)(iii) of the definition of 'entity applicant' in this section; or
 - (B) Seek to assume an existing mortgage or loan; and
 - (C) Intend to hold the mortgaged property in his or her individual right.

or

Initial HA (PHA)

In portability, the term refers to both:

- 1. An HA that originally selected a family that later decides to move out of the jurisdiction of these selecting HA; and
- 2. An HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

Initial payment standard

The payment standard at the beginning of the HAP contract term.

Initial rent to owner

The rent to owner at the beginning of the HAP contract term

INS

The U.S. Immigration and Naturalization Service

IRS

Internal Revenue Service

Jurisdiction

The area in which the PHA has authority under State and local law to administer the program.

Lease

- (1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with Housing Assistance Payments under a HAP contract between the owner and the PHA.
- (2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with Housing Assistance Payments to the cooperative under a HAP contract between the cooperative and the PHA. For purposes of 24 CFR part 982, the cooperative is the Section 8 "owner" of the unit, and the cooperative member is the Section 8 "tenant."

Lease Addendum

In the lease between the tenant and the owner, the lease language required by HUD.

Live-in aide

A person who resides with one or more elderly persons, or near elderly persons, or persons with disabilities, and who:

- 1. Is determined to be essential to the care and well-being of the persons;
- 2. Is not obligated for the support of the persons; and
- 3. Would not be living in the unit except to provide the necessary supportive services.

Manufactured home

A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type: see 24 CFR § 982.620 and § 982.621.

Manufactured home space

In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR § 982.622 to § 982.624.

Medical expenses

Medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

Mixed family

A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income

One twelfth of adjusted annual income

Monthly income

One twelfth of annual income

MSA

A metropolitan statistical area.

NAHA

The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.).

National

A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family

A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

NEPA

National Environmental Policy Act of 1969 (42 U.S.C. 4321)

Net family assets

1. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
2. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under 24 CFR § 5.609.
3. In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

NOFA

Notice of Funding Availability

Noncitizen

A person who is neither a citizen nor national of the United States

OMB

The Office of Management and Budget.

One Strike Policy

A policy for public and other federally assisted housing intended to provide a place to live and raise families – not a place to commit crime, use or sell drugs or terrorize neighbors. It is the intention of the Seguin Housing Authority to fully endorse and implement this policy in all programs operated by said authority.

Organizational Unit

The jurisdictional area of each Assistant Secretary, and each office head or field administrator reporting directly to the Secretary.

Owner

The person or entity (or employee of an owner) that leases an assisted dwelling unit to an eligible family and includes, when applicable, a mortgage. Owner: Any person or entity with the legal right to lease or sublease a unit to a participant.

Participant

Except as excluded pursuant to 42 U.S.C. 3543(b) and 3544(a)(2), this term has the following meaning:

- (1) For any program under 24 CFR Part 891, or Section 8 of the 1937 Act: A family receiving rental assistance under the program;
- (2) For 24 CFR parts 904, 950, 960: A tenant or homebuyer under the program;
- (3) For 24 CFR parts 215, 221, 236, and 290: A tenant or qualified tenant under any of the programs; and
- (4) For 24 CFR part 235: A homeowner or a cooperative member receiving homeownership assistance.

Participant (participant family)

A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment standard

In the Voucher program, the maximum subsidy payment for a family (before deducting the family contribution). For a Voucher tenancy, the PHA sets a payment standard in the range from 90 percent to 110 percent of the current FMR/exception rent limit. For payment standard over 110 percent to 120 percent the PHA must have written permission from HUD.

Portability

Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.

Processing entity

The person or entity that, under any of the programs covered under this Plan is responsible for making eligibility and related determinations and any income reexamination.

Public Housing Agency (PHA)

Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act; also referred to as HA.

Qualified family.

A family residing in housing assisted or receiving tenant-based rental assistance under one of the following programs: HOME Investment Partnerships Program (24 CFR PART 92); housing opportunities for persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and, the Housing Choice Voucher Program (24 CFR part 982).

Reasonable rent

Rent to owner that is not more than rent charged:

- (1) For comparable units in the private unassisted market; and
- (2) For comparable unassisted units in the premises.

Receiving HA (or PHA)

In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

Rent to owner

The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

Section 8

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)

Shared housing

A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type: see 24 CFR § 982.615 to § 982.618.

Singleroom occupancy housing (SRO)

A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A special housing type: see 24 CFR § 982.602 to § 982.605.

Social Security Number (SSN)

The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Special admission

Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Special housing types

See subpart M of 24 CFR part 982. Subpart M of this part states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SSA

The Social Security Administration

State Wage Information Collection Agency (SWICA)

The State agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy standards

Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension

Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request.

Tenant

An individual or a family renting or occupying an assisted dwelling unit. For purposes of this Plan, the term tenant will also be used to include a homebuyer, where appropriate; Tenant: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent

The amount payable monthly by the family as rent to the PHA or owner, as applicable. Where all utilities (except telephone) and other essential housing services are supplied by the PHA or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the PHA or owner and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance.

Total Tenant Payment

The income based annual income that is the greater of 30% of the Monthly Adjusted Income or the 10% gross of the monthly annual income or the minimum rent of \$50.00 for the purposes of computing Tenant Rent.

Utility allowance

If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement

The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.

Violent criminal activity

Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another

Voucher (Rental Voucher)

A document issued by a PHA to a family selected for admission to the Voucher Program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The Voucher also states obligations of the family under the program.

Voucher holder

A family holding a Certificate of Participation for the Housing Choice Voucher program.

Voucher Program

The Rental Voucher Program.

Welfare assistance

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

Waiting list admission

An admission from the PHA waiting list.

This plan is for the Administration of the Section 8 Housing Choice Voucher Program and any items not covered in this Plan will be referred to the Admission and Occupancy Policy and its Addendums for further clarification.

Attachment“K”

AddendumN

ONESTRIKEPOLICY

ALLSEGUINHOUSINGAUTHORITYPROGRAMS

A. Purpose

Public and other federally assisted housing is intended to provide a place to live and raise families --not a place to commit crime, use or sell drugs or terrorize neighbors. It is the intention of the Housing Authority (hereinafter referred to as "agency") to fully endorse and implement a policy which is designed to:

1. create and maintain a safe and drug-free community;
2. keep our residents free from threats to their personal and family safety;
3. support parental efforts to instill values of personal responsibility and hard work;
4. maintain an environment where children can live safely, learn and grow up to be productive citizens; and
5. assist families in their vocational/educational goals in the pursuit of self-sufficiency.

c. Administration

1. All screening and eviction procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, age, sex, familial status, disability or other legally protected groups, and not to violate right to privacy.
2. To the maximum extent possible, the agency will involve other community and governmental entities, as well as resident organizations, in the promotion and enforcement of this policy.
3. This policy will be posted on the agency's bulletin board and copies made readily available to residents and/or applicants on request.

d. Screening of Applicants

1. In an effort to prevent future drug -related and other criminal activity as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees, this agency will endeavor to screen applicants as thoroughly and fairly as possible.
2. Such screening will apply to all members of the household who are 17 years of age or older.
3. Procedure: Applicants and/or prospective household members to be added to an existing lease will be required to provide a criminal history report on their activities from a law enforcement division based on their prior /current address.
4. If information is revealed in the criminal history record that would cause the agency to deny housing to the person/household, the agency shall advise the person why residency is being denied.
5. If the person disputes the information, he/she shall be given an opportunity for an informal hearing according to the agency's hearing procedure outlined in the Admissions and Occupancy Policy.
6. Evidence of drug -related and/or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall be considered grounds for denial of housing. Drug -related activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance.
- e. Reasonable cause (e.g., information from criminal history report, information from former landlords or neighbors) to believe that a person's pattern of alcohol abuse would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall also be considered grounds for denial of housing.
8. In both 6 and 7 above, the agency may waive its policy of prohibiting admission if the person demonstrates to the agency's satisfaction that he/she is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:
 - a. has successfully completed a supervised rehabilitation program;
 - b. has otherwise been rehabilitated successfully; or
 - f. is currently participating in a supervised rehabilitation program.
9. **Persons convicted for manufacture or production of methamphetamine (Speed) are permanently barred from admission to the Authority's housing.**
10. Persons evicted from Public Housing, Indian Housing, Section 23 or any Section 8 Housing Program because of drug -related criminal activity are ineligible for admission to public housing for a five (5) year period beginning on the date of such eviction. This may be waived if:
 - a. person demonstrates successful completion of a rehabilitation program approved by the agency; or
 - g. the circumstances leading to the eviction no longer exist, (e.g., the individual involved in drugs is no longer a household member because of incarceration.)

c. Evidence that a person is subject to a lifetime registration requirement under a State sex offender registration program shall be grounds for denial of housing.

12. In evaluating evidence of negative past behavior, the agency will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or the likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

13. If, at any time during occupancy, the agency has reasonable cause (e.g., newspaper articles, credible informants, police reports) to believe that a household member is engaging in drug -related or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees, the agency may run a subsequent criminal check on that household member.

14. The agency will also request/order a criminal history on an individual or individuals age 17 years or older who are added to the lease after initial occupancy.

15. **Records Management**

a. All criminal records received will be maintained confidentially, not misused, or improperly disseminated, and the utmost security will be maintained.

b. All criminal reports, while needed, will be housed in a locked file with access restricted to individuals responsible for screening and determining eligibility and to the Executive Director.

d. Misuse of the above information by any employee will be grounds for termination of employment. Legal penalties for misuse are contained in Section 411.085 of the Texas Government Code.

d. If the applicant is determined to be eligible, the criminal history report shall be shredded as soon as the applicant is housed. If the applicant is denied housing, the criminal history report shall be shredded immediately upon completion of the hearing or due process procedures and a final decision has been made.

e. The agency will document in the applicant's file the circumstances of the criminal report and the date that the report was destroyed.

e. **Enforcement Through Evictions**

1. The provisions of this policy shall also be reflected in the terms and conditions of the lease agreement for all residents of public housing. The agency shall enforce this "one - strike" policy with a "zero -tolerance" position with respect to drug -related and/or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees. Such activity shall be grounds for immediate termination of the lease and eviction.

a. Such activity by a household member shall be grounds for eviction, whether committed ON OR OFF THE PREMISES of the agency.

b. Such activity by a guest of the household may also be grounds for eviction of the household if such activity occurs ON THE PREMISES of the agency.

- c. Since eviction is a civil, not criminal matter, a criminal conviction or arrest is not necessary in order to terminate a lease and evict a household; but, the agency shall be responsible for producing evidence strong enough to warrant eviction.
- 2. A pattern of alcohol abuse which poses a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall be considered grounds for immediate eviction.
- 3. According to the Due Process Determination of the Department of Housing and Urban Development, the agency's GRIEVANCE PROCEDURE is not applicable for:
 - a. evictions related to any activity, not just criminal activity, which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents; or
 - f. evictions related to any drug -related criminal activity ON OR OFF agency premises, not just "on or near" the premises.

E. Tracking and Reporting Crime

- 1. A component of good management is the evaluation of the implementation of Policy procedures. The evaluation is based on tracking of crime -related problems in Public Housing Developments, cooperating with local law enforcement officials and local courts, implementing screening processes and resident eviction procedures, and meeting goals under any HUD -funded drug prevention or crime reduction program. The Housing Authority will review its progress in these areas regularly through the compilation of period reports, generated at least semi -annually, with a fiscal year end summary completed and submitted to the Housing Authority Board of Commissioners.
- 2. The Housing Authority will work cooperatively with State and local police departments. The Housing Authority will request that police:
 - a) promptly provide the Executive Director with relevant incident report for timely eviction processing;
 - b) help Housing Authority expedite drug identification in serious cases; and
 - b. prepare for cases as needed with Housing Authority attorney. Police may also be present at eviction hearings involving criminal activity.
- c. The Housing Authority will work cooperatively with local judges. Although the Housing Authority cannot communicate with judges concerning pending court actions, the Housing Authority can communicate with the court system regarding the need for evictions where the evidence shows serious lease violations and the goal of the Housing Authority is to provide drug and criminal free housing.

F. Regulations Required of Public Housing Authorities (42 U.S.C. 1437d() (6))

- 1. The regulations require public housing authorities (PHAs) to impose a lease obligation on tenants. To assure that the tenant, any member of the household, a guest, or another person under the tenant's control, shall not engage in:

- i. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the PHAs public housing and/or other subsidized rental premises by other residents or employees of the PHA, or
 - b) Any drug -related criminal activity on or near such premises.
- 2. Any criminal activity in violation of the preceding sentence shall be cause for termination of tenancy, and for eviction from the unit. 24CFR955.4(f)(12)(i)(2001).
- 3. Congress permits local public housing authorities to conduct no -fault evictions regardless of knowledge, a tenant who cannot control drug crime, or other criminal activities by a household member which threaten health or safety of other residents, is a threat to other residents and the complex. 56 Fed. Reg., at 51567. With drugs leading to murders, muggings, and other forms of violence against tenants, and to the deterioration of the physical environment that requires substantial governmental expenditures, 42 U.S.C. 11901(4)(1994 ed., Supp.V), it is reasonable for Congress to permit no-fault evictions in order to provide public and other federally assisted low -income housing that is decent, safe, and free from illegal drugs, 1190(1)(1994 ed.,).
- 4. The Supreme Court ruling on March 26, 2002 Department of Housing & Urban Development vs. Rucker et al., upheld Section 1437() (6) by the decision that this section's plain language unambiguously requires lease terms that give local public housing authorities the discretion to terminate the lease of a tenant when a member of the household or a guest engages in drug -related activity, regardless of whether the tenant knew, or should have known, of the drug -related activity. Congress decision not to impose any qualification in the statute, combined with its use of the term any to modify drug-related criminal activity, precludes any knowledge requirement.

G. Definitions

Dependent

A member of the household (other than head, spouse, sole member, foster child, foster adults, or Live -in Aide) who is under 18 years of age, or 18 years of age or older and disabled, handicapped, or a full -time student. (24CFR5.603)

Family

Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law who will live together in Authority subsidized housing; or two or more persons who are not so related, but are regularly living together, can verify shared income or resources who will live together in subsidized housing. (24CFR5.403)

Guest

Person(s) on the premises with the tenant's permission and/or knowledge.

Head of Household

Head of household is the family member (identified by the family) who is held responsible and accountable for the family.

Household

The tenant and other persons who live in a unit with written approval of the Authority (24 CFR 966.2)

Person(s) Under the Tenant's Control

Person or persons that the tenant has permitted access to the premises.

Attachment "L"

Addendum H

RENT CALCULATION POLICY

ANNUAL INCOME

Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional adult family member. It includes all net income from assets for the 12-month period following the effective date of initial determination or re-examination of income.

To annualize full-time employment, multiply as follows:

- a. Hourly wages by 2080 hours
- b. Weekly wages by 52
- c. Bi-weekly wages by 26
- d. Semi-monthly wages by 24
- e. Monthly amount by 12

Income includes but is not limited to: (24CFR 5.609)

1. full amount before any payroll deductions, of wages and salaries overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services
2. net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
3. interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness will not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

Where the family has net family assets greater than \$5,000, annual income shall include the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by the HUD field office, whichever is greater.

4. full amount of *periodic* payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump sum amount or prospective monthly amounts for the delayed start of a periodic amount for other than social security or SSI

- c. Payments in lieu of earnings, such as unemployment, disability compensation, worker's compensation and severance pay
- 6. All welfare assistance payments received by or on behalf of any family member
- 7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members on a weekly or monthly basis (diapers, cable TV, car insurance, gas, etc.)
- 8. All regular pay, special pay and allowances of a family member in the Armed Forces.

Does not include: (24CFR5.609)

- 1. Income from the employment of children (including foster children) under the age of 18
- 2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone)
- 3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains and settlement for personal property losses
- 4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
- 5. Income of a live-in aide, provided the person meets the definition of a live-in aide (24CFR5.403)
- 6. Full amount of student financial assistance paid directly to the student or the educational institution
- 7. Special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- 8. Certain types of income related to training:
 - a. amounts received under HUD funded training programs (such as Step-Up); excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training)
 - b. amounts received by a person with disabilities that are disregarded for a limited time for purposes of SSI and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS)
 - c. amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program
 - d. a resident services stipend: a modest amount not to exceed \$200/month received by a public housing resident for performing a service for the Authority, on a part-time basis, that enhances the quality of life in public

housing. Such services may include but are not limited to fire patrol, hall monitoring, lawn maintenance and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time

- e. Compensation from State or local employment training programs and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the Authority.
- 9. Temporary, non-recurring, or sporadic income, including gifts
 - 10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era
 - 11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse)
 - 12. Adoption assistance payments in excess of \$480 per adopted child
 - 13. Earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 [section 22 of the 1937 Act (42 U.S.C. 1437t)], or any comparable Federal, State or local law during the exclusion period; the following definitions apply (*for guidance, see PIH 98 -2 in Addendum F*) (expires October 1, 1999)
 - a. Comparable Federal, State or local law means a program providing employment training and supportive services that is:
 - 1) authorized by a Federal, State or local law
 - 2) funded by the Federal, State or local government
 - 3) operated or administered by a public agency
 - 4) to assist participants in acquiring employment skills
 - b. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
 - c. Deferred periodic payments of supplemental security income (SSI) and social security benefits that are received in a lump sum amount or in prospective monthly amount
 - 15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
 - 16. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the disabled family member at home.
 - 17. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of

assistance program that includes assistance under the United States Housing Act of 1937. Include:

- a. value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977
- b. payments to volunteers under Domestic Volunteer Services Act of 1973 RSVP, Foster Grandparents, Senior Companion Program; and Older American Committee Service Program, VISTA, Peace Corps, Service Learning program, Special Volunteer Programs; Small Business Administration Programs such as National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- c. first \$2,000 of payments received under the Alaska Native Claims Settlement Act
- d. income derived from certain sub-marginal land of the U.S. that is held in trust for certain Indian tribes
- e. payments or allowances made under Dept. of Health and Human Services Low Income Home Energy Asst. Program
- f. payments received under programs funded in whole or in part under the Job Training Partnership Act
- g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians
- h. first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims or from funds held in trust for an Indian Tribe by the Secretary of Interior
- i. amounts of scholarships funded under Title IV of Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs (Pell Grants, Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study and Byrd Scholarships).
- j. payments received from programs funded under Title V of the Older Americans Act of 1965 (Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayors, National Council on Senior Citizens and Green Thumb)
- k. payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established in the In Re Orange product liability litigation.
- l. payments received under the Maine Indian Claims Settlement Act of 1980
- m. the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990.

- n. Earned Income Tax Credit refund payments received on or after January 1, 1991.
- c. Amounts earned by temporary census employees, provided the terms of employment do not exceed 180 days.

d. EARNED INCOME DISALLOWANCE (EID) FOR PUBLIC HOUSING 960.255

Self-sufficiency incentives – Disallowance of increase in annual income.

1. Definitions: The following definitions apply for purposes of this section.

Disallowance (Exclusion from annual income)

Previously, unemployed includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in public housing:

- c. Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;**
- (b) Whose annual income increases as a result of increased earning by a family member during participation in any economic self-sufficiency or other job training program; or**
- c. Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to month income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance- provided that the total amount over a six-month period is at least \$500.**

Disallowance of increase in annual income.

- a. Initial twelve-month exclusion. During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income (as defined in Section 5.609 of this title) of a qualified family any increase in income of a family member as a result of employment over prior income of that family member.**
- b. Second twelve-month exclusion and phase-in. During the second cumulative twelve month period after the date a member of a qualified**

family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family member fifty percent (50%) of any increase in income of that family member prior to the beginning of such employment.

- c. **Maximum four -year disallowance.** The disallowance of increased income of an individual family member as provided in paragraph (2)(a) or (2)(b) of this section is limited to a lifetime 48 month period. It only applies for a maximum of twelve months for disallowance under paragraph (2)(a) and a maximum of twelve months for disallowance under paragraph (2)(b), during the 48 -month period starting from the initial exclusion under paragraph (2)(a) of this section.
- d. **Inapplicability to admission.** The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).
- e. **Individual Savings Accounts.** As an alternative to the disallowance of increases in income as a result of employment described in paragraph (2) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income -based rent, in accordance with a written policy, which must include the following provisions:
 1. **The PHA must advise the family that the savings account option is available;**
 2. **At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (2) of this section;**
 3. **Amounts deposited in a savings account may be withdrawn only for the purpose of:**
 - f. **Purchasing a home;**
 - g. **Paying education costs of family members;**
 - h. **Moving out of public or assisted housing; or**
 - i. **Paying any other expense authorized by the PHA for the purpose of promoting the economic self -sufficiency of residents of public housing;**
 1. **The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA may not charge a fee for maintaining the account;**
- (5) **At least annually the PHA must provide the family with a report on the status of the account; and**
- (6) **If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the**

PHA.

Calculation Example Based on Actual Income of a TANF Family

<i>than 10 hours per week)</i>		<i>TANF Income (unemployed 1 year or more or less</i>
	TANF Annual income	\$2412
	Get a job new income	<u>6412</u> (as of 1/1/2000) (1 st year)
	Income is disregarded	\$4000 base rent on \$2412 for 12 months
	TANF Annual Income	\$2412
	New income from job	<u>8412</u> (as of 1/1/2001) (2 nd year)
	Income is disregarded	\$6000 divided by 2 = \$3000
	Annual income for rent	\$5412 count previous income + 1/2 new
	TANF Annual Income	\$2412
	New income from job	<u>9412</u> (as of 1/1/2002) (3 rd year)
	Annual income for rent	\$9412 all income is counted

ADJUSTED INCOME

Adjusted income (income upon which rent is based) means Annual Income less the following deductions and exemptions: (24CFR5.611)

Non-elderly/Non-disabled Families

1. **Child Care Expenses** : a deduction of amounts anticipated to be paid by the family for the care of children under 13 for the period for which Annual Income is computed. Allowed ONLY when such care is necessary to enable a family member to be gainfully employed, to actively seek employment or to further his/ her education. Amounts deducted must be un-reimbursed expenses and shall not exceed:
 - a. amount of employment income included in the Authority's computation of annual income
 - b. an amount determined to be reasonable by the Authority when the expense is incurred to permit education or to actively seek employment.
2. **Dependent Deduction** : an exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-In Aide, foster adult or foster child) who is under eighteen (18) years of age or whose eighteenth (18) or older and disabled, handicapped or a full-time student.

3. **Disability Assistance Expense Deduction** : (for families not considered a "disabled family" but which have a member, other than the head or spouse, who is disabled) a deduction of the cost of all unreimbursed expenses for Disability Assistance less three percent (3%) of Annual Income, provided the amount so calculated does not exceed the employment income earned.

For Elderly and Disabled Families Only (families whose head, co-head, spouse or sole member is elderly or disabled)

1. **Elderly/Disabled Household Exemption:** An exemption of \$400 per household.
2. **Medical Deduction and/or Disability Assistance Expense Deduction (medical expenses of all family members counted only if head or spouse disabled)**
 - a. ***For Elderly /Disabled Families with Medical Expenses but without Disability Assistance Expenses:*** total unreimbursed medical expenses less three percent (3%) of Annual Income.
 - b. ***For Elderly/Disabled Families with both Medical and Disability Assistance Expenses (to allow for a family member to be employed):***
 - 1) If total of all unreimbursed disability assistance expense is equal to or greater than three percent (3%) of Annual Income, deduction equals the amount of Disability Expenses less 3% of annual Income, PLUS actual unreimbursed Medical Expense.
 - 2) If total of all unreimbursed Disability Assistance expense is less than 3% of Annual Income, then the deduction equals the amount by which the sum of Disability Assistance expenses plus Medical Expenses exceeds 3% of Annual Income.

Below is an excerpt from a HUD Notice by Stephen T. Lynch, Deputy Dir. for Housing Management, 6.1 HM

Procedures for Rounding Off Income/Rent Calculations

Since there has been a great deal of discussion and confusion generated by the subject of rounding in all housing programs, we would now like to clarify the rounding procedure to be used for each housing program administered by the Assisted Housing Management Branch. These instructions will address the rounding procedure for both rent and income calculation. Please refer to the following guidelines:

- c. Section 8 New Construction Program/Substantial Rehabilitation Program (Transmittal 4350.3 Paragraph 6 -7): If any computation results in an amount that is not a whole dollar amount, the following rules shall apply in determining the actual amount. If the amount in addition to the whole dollar is \$.50 or less, round down to the whole dollar. If the amount is \$.51 or greater, round up to the next whole dollar.
- b. Section 8 Existing Program/Moderate Rehabilitation Program (Notice H8208)
All figures should be rounded to the nearest dollar (0 to 49, round down; 50 to

99, round up). The Section 8 Existing Program is now known as the Housing Choice Voucher Program.

- c. Low-Income Public Housing All figures should be rounded to the nearest dollar (0 to 49, round down; 50 to 99, round up).

Except for New Construction, PHA's not utilizing this rounding procedure should start using this method immediately, but will not be required to recalculate income/rent for those calculated incorrectly. The New Construction/Substantial Rehabilitation Program Income/Rent Calculations must be corrected immediately.

If you have any questions regarding this correspondence, please contact a Housing Management Officer at (214 -767-4105 or 767 -8363 for more information.

Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary

PHAName: Seguin Housing Authority

Grant Type and Number:

Capital Fund Program: TX30350101

Capital Fund Program Replacement Housing Factor Grant#:

Original Statement

Reserve for Disasters/Emergencies Revised Annual Statement (revision no: 1)

X Performance and Evaluation Report for Period Ending 3/31/2002 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total Non-CFP Funds				
2	1406 Operations	30,510	30,510	870.00	
3	1408 Management Improvements	22,680	22,680	4,234.00	
4	1410 Administration	33,059	38,559	1,000.00	
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	19,030	30,655	30,655.00	
8	1440 Site Acquisition				
9	1450 Site Improvement	0	138,195	1,081.00	1,081.20
10	1460 Dwelling Structures	190,320	27,000	21,393.00	21,393.35
11	1465.1 Dwelling Equipment—Nonexpendable	15,000	15,000	4,308.00	4,308.00
12	1470 Non-dwelling structures				
13	1475 Non-dwelling Equipment	20,000	28,000	3,180.00	3,180.00
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1498 Mod Used for Development				
19	1502 Contingency				
20	Amount of Annual Grant: (sum of lines 2-19)	330,599	330,599	66,721.00	29,962.55
21	Amount of line 20 Related to LBP Activities		20,500		0.00
22	Amount of line 20 Related to Section 504 Compliance				
23	Amount of line 20 Related to Security				
24	Amount of line 20 Related to Energy Conservation Measures		5,000		

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHAName: Seguin Housing Authority		Grant Type and Number Capital Fund Program #: TX59P303501001 Capital Fund Program Replacement Housing Factor #"					Federal FY of Grant: 2001 Rev. #1-11/06/2001
Development Number Name/HA-Wide Activities	All Funds Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original 03/31/03	Revised	Actual	Original 09/30/04	Revised	Actual	
TX303PHA Wide Activities							

Development Number	Architect/EngineerContractAwarded			AllFundsObligated			AllFundsExpended		
	Original	Revised (Attachexplanation)	Actual	Original	Revised (Attachexplanation)	Actual	Original	Revised (Attachexplanation)	Actual
TX303001,003 PHA-Wide	1/1/2003			9/30/2004			9/30/2005		

CFPBudget/ProgressReport

PartII :SupportingPages

CapitalFundProgram(CFP)

U.S.DepartmentofHousing

andUrbanDevelopment

OfficeofPublicandIndianHousing

OMBApprovalNo.2577-0044

(exp.04/30/2004)

Development Number	DescriptionofWorkItems	Development Acct.No.	FundsApproved			Funds Obligated	Funds Expended
			Original	Revised	Difference		
TX303001,003 PHA-Wide	Operations	1406	12,427.00				
	ManagementImprovements						
	Computerupgrades,training,etc.	1408	23,000.00				
	Administration	1410	9,920.00				
	Fees&Costs	1430	18,350.00				
	SiteImprovements-landscape,sidewalks,soilerosion,waterdrainage-PHAwide	1450	15,710.00				
	Replacecut-offvalvesonwaterlines88units	1450	8,000.00				
	Repair/replacenorthwalldoorunits28units						
	Site"A"	1460	44,800.00				
	Exteriorstuccorepair&exteriorcoating						
	41buildingsSite"G"&"H"	1460	115,000.00				
	InteriorPainting25unitsPHAwide	1460	20,000.00				
	ReplacedamagedinteriordoorsPHAwide	1460	5,000.00				
	Replace18ranges	1465.1	6,750.00				
	Replace18refrigerators	1465.1	7,200.00				
	ReplaceAdministrativecar(full-size)	1475	21,000.00				
	TOTALCOSTFORFY2002		307,157.00				
			Revisedasof5/16/2002duetoneWFundingallocation				

CFPBudget/ProgressReport

PartI: Summary

CapitalFundProgram(CFP)

U.S.DepartmentofHousing

andUrbanDevelopment

OfficeofPublicandIndianHousing

OMBApprovalNo.2577-0044

(exp.04/30/2004)

HAName **SeguinHousingAuthority** ModernizationProjectNumber **TX303501002** FFYofGrantApproval **9/30/2002**

X OriginalCFPBudgetRevisedCFPBudget/RevisionNumber_____ ProgressReportforperiodending(mm/dd/yyyy) FinalProgressReport

LineNo.	SummarybyDevelopmentAccount	TotalFundsApproved		TotalFunds	
		Original	Revised	Obligated	Expended
1	TotalNon-CIAPFunds				
2	1406Operations(maynotexceed10%offline16)	12,427.00			
3	1408ManagementOperations	23,000.00			
4	1410Administration	9,920.00			
5	1415LiquidatedDamages				
6	1430FeesandCosts	18,350.00			
7	1440SiteAcquisition				
8	1450SiteImprovement	23,710.00			
9	1460DwellingStructures	184,800.00			
10	1465.1DwellingEquipment-Nonexpendable	13,950.00			
11	1470NondwellingStructures				
12	1475NondwellingEquipment	21,000.00			
13	1485Demolition				
14	1495.1RelocationCost				
15	1498ModUsedforDevelopment				
16	AmountofCFPGrant(Sumoflines2-14)	307,157.00			
17	Amountoffline16RelatedtoLBPActivities				
18	Amountoffline16RelatedtoSecurity				
19	Amountoffline16RelatedtoSection504Compliance				
20	Amountoffline16relatedtoEnergyConservationMeasures				

SignatureofExecutiveDirector

Date(mm/dd/yyyy)

HUDCertification: Inapprovingthisbudgetandprovidingassistancetoaspecifichousing development(s),Iherebycertifythattheassistancewillnotbemorethanisnecessaryto maketheassistedactivityfeasibleaftertakingintoaccountassistancefromother governmentsources(24CFR12.50)

SignatureofDirector,OfficePublicHousing/ONAPAdministrator Date(mm/dd/yyyy)

Page___of___

CFP5-YearActionPlan		
OriginalStatementXRevisedStatement		
ProjectNo.	DevelopmentName(orindicatePHAWide)	
TX303P001,003	SeguinHousingAuthority-PHAWide	
DescriptionofNeededPhysicalImprovementsor ManagementImprovements	EstimatedCost	PlannedStartDate (HAFiscalYear)
Operations	0.00	FY2003
Mgmt.Improvements	2,500.00	
Admin.Costs	2,957.00	
A/EProfessionalServices	26,500.00	
Replacedamagedlandscaping,sidewalks-PHAWide	3,000.00	
InstallCentralHeat&AirConditioning-45unitsSite"G"	180,000.00	
Replacetubsurrounds,lavatories,obseleteplumbingparts, ventilation,etc.-45unitsSite"G"	72,450.00	
InteriorPainting-10unitsPHAwide	8,000.00	
Replacedamagedinteriordoors-PHAWide	4,000.00	
Replace10ranges	3,750.00	
Replace10refrigerators	4,000.00	
EstimatedTotalBudgetforFY2003	307,157.00	

CFP5-YearActionPlan		
OriginalStatementXRevisedStatement		
ProjectNo.	DevelopmentName(orindicatePHAWide)	
TX303P001,003	SeguinHousingAuthority-PHAWide	
DescriptionofNeededPhysicalImprovementsor ManagementImprovements	EstimatedCost	PlannedStartDate (HAFiscalYear)
Operations	0.00	FY2004
Mgmt.Improvements	3,000.00	
Admin.Costs	2,607.00	
A/EProfessionalServices	24,800.00	
SiteImprovements-landscape,sidewalks,etc.PHAWide	5,000.00	
InstallCentralHeat&AirConditioning-43units	172,000.00	
Repair/Replacebathroomtubsurrounds,plumbing& ventilation43units@Fairview	64,500.00	
InteriorPainting5units-PHAWide	4,000.00	
Replacedamagedinteriordoors-PHAWide	2,500.00	
Replace10ranges	3,720.00	
Replace10refrigerators	4,000.00	
ReplaceAdministrativeVan	21,000.00	
EstimatedTotalBudgetforFY2004	307,127.00	

CFP5-YearActionPlan		
OriginalStatementXRevisedStatement		
ProjectNo.	DevelopmentName(orindicatePHAWide)	
TX303P001,003	SeguinHousingAuthority-PHAWide	
DescriptionofNeededPhysicalImprovementsor ManagementImprovements	EstimatedCost	PlannedStartDate (HAFiscalYear)
Operations	0.00	FY2005
Mgmt.Improvements	1,000.00	
Admin.Costs	2,382.00	
A/EProfessionalServices	27,100.00	
SiteImprovements-landscape,sidewalks,etc.-PHAWide	1,000.00	
Replacekitchencabinets90unitsSite"A"	196,000.00	
RecoatroofSite"A"tomaintainwarranty	20,300.00	
RenovateCommunityRoom/kitchenarea/lobbySite"A"	38,000.00	
InteriorPainting5units-PHAWide	4,000.00	
Replacedamagedinteriordoors-PHAWide	1,000.00	
Replace45ranges	12,375.00	
Replace10refrigerators	4,000.00	
EstimatedTotalBudgetforFY2005	307,157.00	

CFP5-YearActionPlan		
XOriginalStatementRevisedStatement		
ProjectNo.	DevelopmentName(orindicatePHAWide)	
TX303P001,003	SeguinHousingAuthority-PHAWide	
DescriptionofNeededPhysicalImprovementsor ManagementImprovements	EstimatedCost	PlannedStartDate (HAFiscalYear)
Operations	7,599.00	FY2006
Mgmt.Improvements	25,000.00	
Admin.Costs	9,558.00	
A/EProfessionalServices	13,500.00	
SiteImprovements-landscape,sidewalks,etc.-PHAWide	10,000.00	
Replaceexteriordoors/frames/windows45unitsSite"G"	127,500.00	
Install10'x10'patiosinbackyards45unitsSite"G"	27,000.00	
Replacewaterheaters45unitsSite"G"	9,000.00	
InteriorPainting15unitsPHAWide	20,000.00	
Replacedamagedinteriordoors-PHAWide	2,500.00	
Replace20ranges	7,500.00	
Replace20refrigerators	8,000.00	
ReplaceMaintenancetruck(2)	40,000.00	
EstimatedTotalBudgetforFY2006	307,157.00	

SCHEDULE OF UTILITY ALLOWANCES BY PROGRAM & SITES

Low-Rent/Conventional Public Housing

Site	Paid by	Type/Meter	Excess costs/Surcharge
"A" Walnut Springs Tower	Seguin HA	All/MM (All=Electric, Gas, Water, Sewer and Garbage collection)	Air Conditioner \$15.00 per month

Excess costs for family sites is determined by per kwh/cu.ft. cost for each month as billed by utility supplier (City of Seguin/Reliant-Entex)

"G" Pradera Homes and "H" Fairview Terrace	Seguin HA	Electric/MM	1 bedroom	over 140 kwh per month
			2 bedroom	over 258 kwh per month
			3 bedroom	over 300 kwh per month
			4 bedroom	over 342 kwh per month
		Nat. Gas/MM	1 bedroom	over 14 cu.ft. per month
			2 bedroom	over 20 cu.ft. per month
			3 bedroom	over 26 cu.ft. per month
			4 bedroom	over 28 cu.ft. per month
	Seguin HA	Water, Sewer, and Garbage Collections		
Patton Street Apartments	Tenant	Electric & Gas	1 bedroom	\$35.00 per month
			2 bedroom	\$43.00 per month
			3 bedroom	\$64.00 per month
	Seguin HA	Water, Sewer and garbage collection		

Section 8 New Construction Apartments

River Terrace	Tenant	Electric	\$23.00 per month allowance given off of monthly rent payment (Lights, cooking and tenants supplied A/C)	
	Seguin HA	Nat. Gas, Water, Sewer and garbage collection		

Rosalyn Heights	Tenant	Electric & Gas	1 bedroom	\$35.00 per month
			2 bedroom	\$43.00 per month
			3 bedroom	\$64.00 per month
	Seguin HA	Water, Sewer and garbage collection		

MM=master-metered utility