

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004
Annual Plan for Fiscal Year 2000

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN ACCORDANCE WITH
INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**

**PHA Plan
Agency Identification**

PHA Name: Housing Authority of the City of Fresno

PHA Number: 39-P006

PHA Fiscal Year Beginning: (mm/yy/yy) 01/01/00

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)

OMB Approval No: **HUD 50075**
2577-0226
Expires: **03/31/2002**

5-YEAR PLAN
PHA FISCAL YEARS 2000 - 2004
[24 CFR Part 903.5]

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).

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)

The Housing Authority of the City of Fresno is committed to building stronger communities by providing quality housing and empowerment opportunities to eligible families in partnership with community resource providers.

B. Goals

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

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 ENCOURAGED 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

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

Other (list below)

PHA Goal: Improve the quality of assisted housing

Objectives:

Improve public housing management: (PHAS score)

Improve voucher management: (SEMAP score)

Increase customer satisfaction:

- Concentrate on efforts to improve specific management functions:
(list; e.g., public housing finance; voucher unit inspections)
- Renovate or modernize public housing units:
- 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:
- Conduct outreach efforts 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

PHA Goal: Provide an improved living environment

Objectives:

- Implement measures to deconcentrate poverty by bringing higher income public housing households into 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

PHA Goal: Promote self-sufficiency and asset development of assisted

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.

Other: (list below)

Continue to promote self-sufficiency via the Family Unification and Building Stronger Families programs.

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

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:

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:

Other: (list below)

Other PHA Goals and Objectives: (list below)

Annual PHA Plan
PHA Fiscal Year 2000

[24 CFR Part 903.7]

Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

Standard Plan

Streamlined Plan:

High Performing PHA

Small Agency (<250 Public Housing Units)

Administering Section 8 Only

Troubled Agency Plan

Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

The Housing Authority of the City of Fresno has prepared our Agency Plan in compliance with Section 511 of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 and the ensuing HUD requirements. The Plan describes the Housing Authority, its mission and strategy for addressing the housing needs of low-income and very-low income families in the City of Fresno.

The Housing Authority of the City of Fresno shares an Executive Director and staff with the Housing Authority of Fresno County. Both Housing Authorities are public housing agencies as defined in the United States Housing Act of 1937, as amended, and in 24 C.F.R. Chapter VIII. Both agencies have been organized under Section 31000, et a seq., of the California Health and Safety Code.

The primary objective of the City and County Housing Authorities is to provide decent, safe and sanitary housing to low income families at an affordable price. Our mission is to provide this housing within an environment that fosters the advancement of low income families from a position of dependency to one of self-sufficiency.

The Housing Authority has the responsibility for planning, financing, constructing, purchasing and managing properties using a variety of affordable housing programs. As the manager of rental properties, the Housing Authority performs all the functions of a private owner, including selection of residents, rent collection and property maintenance. We also administer Section 8 rental assistance to 6,250 families living in

housing that is privately owned. Overall, the Housing Authority provides assistance to more than 30,000 persons living in 9,300 housing units located throughout Fresno City and County.

Federal laws establish the rent structure of the housing programs administered by the Housing Authority and require that family income be verified annually. Federal Regulations also impact the selection of program participants, occupancy, lease and grievance procedures.

This Agency Plan deals with those policies and procedures for the public housing and Section 8 Housing Assistance Payment programs that have been modified as a result of QHWRA. The two most significant items discussed in the Plan are 1) the establishment of a flat rent structure that will encourage higher income families to stay in public housing, and 2) the Agency goal of increasing the number of affordable housing units.

In our Five-Year Plan, the Housing Authority recognizes the need for housing for large families. Our goal of developing additional affordable three bedroom housing has been established to address this need. Information taken from the City's Consolidated Plan and included in the Housing Needs section support this goal.

The Housing Authority's Plan has been thoroughly reviewed by a Resident Advisory Council. The Council met and discussed the Plan on four separate occasions. Their comments have been summarized and are included as Attachment CA006j01.

Annual Plan Table of Contents

[24 CFR 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.

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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 file name in parentheses in the space to the right of the title.

Required Attachments:

- Admissions Policy for Deconcentration
CA006a01 Public Housing Admissions & Continued Occupancy Policy
CA006b01 Administrative Plan for Section 8 Programs
- FY 2000 Capital Fund Program Annual Statement
CA006c01 CGP Part I - HUD 52837 for FFY 2000
CA006d01 CGP Part II - HUD 52837 for FFY 2000
CA006e01 CGP Part III - HUD 52837 for FFY 2000
- 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
CA006f01 Housing Authorities of the City & County of Fresno Organizational Chart
- FY 2000 Capital Fund Program 5 Year Action Plan
CA006g01 Page 1 Five-Year Action Plan - HUD 52834 for FFY 2000-2004
CA006h01 Page 2 Five-Year Action Plan - HUD 52834 for FFY 2000-2004
CA006i01 Page 3 Five-Year Action Plan - HUD 52834 for FFY 2000-2004
- Public Housing Drug Elimination Program (PHDEP) Plan is to be submitted at a later date.
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
CA006j01 Resident and Public Comments











_____ Other (List below, providing each attachment name)

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
<input type="checkbox"/>	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
<input type="checkbox"/>	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
<input type="checkbox"/>	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 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.	5 Year and Annual Plans
<input type="checkbox"/>	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
<input type="checkbox"/>	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
<input type="checkbox"/>	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
<input type="checkbox"/>	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
<input type="checkbox"/>	Public Housing Deconcentration and Income Mixing Documentation: 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 18. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
<input type="checkbox"/>	Public housing rent determination policies, including the methodology for setting public housing flat rents is included in the public housing A & O Policy	Annual Plan: Rent Determination
<input type="checkbox"/>	Schedule of flat rents offered at each public housing development is included in the public housing A & O Policy	Annual Plan: Rent Determination

Applicable & On Display	Supporting Document	Applicable Plan Component
	Section 8 rent determination (payment standard) policies is included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	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
	Public housing grievance procedures is included in the public housing A & O Policy	Annual Plan: Grievance Procedures
	Section 8 informal review and hearing procedures is included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year (see Attachment CA028c01)	Annual Plan: Capital Needs
n/a	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (included as attachment CA028eo1)	Annual Plan: Capital Needs
n/a	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
n/a	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
n/a	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
n/a	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
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
to be developed	Policies governing any Section 8 Homeownership program	Annual Plan: Homeownership
	Any cooperative agreement between the PHA and the TANF agency - verbal agreement in place	Annual Plan: Community Service & Self-Sufficiency
	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
	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
n/a	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs

Applicable & On Display	Supporting Document	Applicable Plan Component
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7.9 (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 Households	Affordability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	32,902	5	5	5	3	5	1
Income >30% but <=50% of AMI		5	5	5	3	5	1
Income >50% but <80% of AMI	19,499	4	4	4	3	4	1
Elderly	24,400	4	3	3	3	1	1
Families with Disabilities	9,518	4	4	4	2	2	1
White	74,753	3	3	3	3	3	1
Black	9,268	4	3	3	3	3	1
Hispanic	27,710	4	3	3	3	3	1
Native American	972	3	3	3	3	3	1
Asian/Pacific Islander	9,166	4	3	3	3	3	1

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: 1995-2000
- U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset
- American Housing Survey data
Indicate year: _____
- Other housing market study
Indicate year: *Center for Independent Living 1998*
California State University Fresno Vacancy Report 1999
- Other sources: (list and indicate year of information)

A. 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.** PHAs 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			
x <input checked="" type="checkbox"/> Public Housing			
<input type="checkbox"/> 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	4,167		
Extremely low income <=30% AMI	3,249	78%	
Very low income (>30% but <=50% AMI)	779	19%	
Low income (>50% but <80% AMI)	139	3%	
Families with children	2,875	69%	
Elderly families	1,102	26%	
Families with	625	15%	

Disabilities			
White	601	14%	
Black	1,272	31%	
Hispanic	1,830	44%	
Native American	86	2%	
Asian/Pacific Islander	378	9%	
Characteristics by Bedroom Size (Public Housing Only)			
0 BR	53	1%	
1BR	1,352	32%	
2 BR	1,442	35%	
3 BR	971	23%	
4 BR	196	5%	
5 BR	121	3%	
5+ BR	32	1%	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> <u>No</u> <input type="checkbox"/> Yes			
If yes:			
B. How long has it been closed (# of months)?			
Does the PHA expect to reopen 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			

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> 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	14,335		
Extremely low income <=30% AMI	9,227	64%	
Very low income (>30% but <=50%	4,332	30%	

AMI)			
Low income (>50% but <80% AMI)	776	6%	
Families with children	12,759	89%	
Elderly families	1,576	11%	
Families with Disabilities	not available at this time		
White	1,774	14%	
Black	3,040	25%	
Hispanic	5,435	45%	
Native American	273	2%	
Asian/Pacific Islander	1,674	14%	

Characteristics by Bedroom Size (Public Housing Only)	not applicable		
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
<p>Is the waiting list closed (select one)? No <u>Yes</u></p> <p>If yes:</p> <p>B. How long has it been closed (# of months)? <i>1 year</i></p> <p>Does the PHA expect to reopen the list in the PHA Plan year? <u>No</u> Yes</p> <p>Does the PHA permit specific categories of families onto the waiting list, even if generally closed? No <u>Yes</u></p>			

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 finance development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease-up rates 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-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease-up rates 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)

Strategy 2: Increase the number of affordable housing units by:

Select all that apply

- Apply for additional section 8 units should they become available
- Leverage affordable housing resources in the community through the creation of mixed - finance housing
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- Other: (list below)

Need: Specific Family Types: Families at or below 30% of median

Strategy 1: Target available assistance to families at or below 30 % of AMI

Select all that apply

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- Employ admissions preferences aimed at families with economic hardships
- Adopt rent policies to support and encourage work
- Other: (list below)

Need: Specific Family Types: Families at or below 50% of median

Strategy 1: Target available assistance to families at or below 50% of AMI

Select all that apply

- Employ admissions preferences aimed at families who are working
- Adopt rent policies to support and encourage work
- Other: (list below)

B. Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

- Seek designation of public housing for the elderly
- Apply for special-purpose vouchers targeted to the elderly, should they become available
- Other: (list below)

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 vouchers targeted to families with disabilities, should they become available
- Affirmatively market to local non-profit agencies that assist families with disabilities
- Other: (list below)

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
- Other: (list below)

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
 _____ Other: (list below)

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies

Of the factors listed below, select all that influenced the PHA’s selection of the strategies it will pursue:

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community
- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- _____ Other: (list below)

Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2000 grants)		
a) Public Housing Operating Fund	\$2,519,320	
b) Public Housing Capital Fund	\$3,000,000	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$17,962,600	
f) Public Housing Drug Elimination Program (including any	\$239,075	

Sources	Planned \$	Planned Uses
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)		
3. Public Housing Dwelling Rental Income	\$2,193,060	
4. Other income (list below)		
Interest income	\$87,540	
Miscellaneous	\$12,520	
4. Non-federal sources (list below)		
Total resources	\$26,014,115	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.79 (c)]

A. Public Housing

Exemptions: PHAs 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)

3-5 months

Other: (describe)

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

Criminal or Drug-related activity

Rental history

Housekeeping

Other (describe)

- c. Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
- d. Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
- e. Yes 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)

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

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

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

c. If the PHA plans 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 or all 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 transfers take precedence over new admissions? (list below)

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

a. 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**)

1. 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 point 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:

- 2_ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- 2_ 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)

- The PHA-resident lease
 The PHA's Admissions and (Continued) Occupancy policy
 PHA briefing seminars or written materials
 Other source (list) *Housing Authority Web Site - hafresno.org*

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

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

(6) Deconcentration and Income Mixing

a. Yes No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b. Yes No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply)

- Adoption of site-based waiting lists
 If selected, list targeted developments below:
 Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments
 If selected, list targeted developments below:
 Employing new admission preferences at targeted developments
 If selected, list targeted developments below:
 Other (list policies and developments targeted below)

d. Yes No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of

poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

- Additional affirmative marketing
- Actions to improve the marketability of certain developments
- Adoption or adjustment of ceiling rents for certain developments
- Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:

B. Section 8

Exemptions: PHAs 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-based section 8 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)

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

c. 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) *Rental history if applicant signs release.*

(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)

___x___ None

___ 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 extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:

Extenuating circumstances such as hospitalization or a family emergency for an extended period of time.

A reasonable effort has been made to locate a unit, including seeking assistance from the Housing Authority.

(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 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
- 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 point 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:

- 2 Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- 2 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
- 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. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

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

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)

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

6. Relationship of preferences to income targeting requirements: (select one)

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

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

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

a. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- Through published notices
- Other (list below)

Outreach to nonprofits serving population, including Fresno County Human Services System and the Workforce Development Board.

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

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

(1) Income Based Rent Policies

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:

The PHA has set the minimum rent at \$50. However, if the family requests a hardship exemption, the PHA will immediately suspend the minimum rent for the family until the PHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. A hardship exists in the following circumstances:

-  *When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;*
-  *When the family would be evicted as a result of the imposition of the minimum rent requirement;*

-  When the income of the family has decreased because of changed circumstances, including loss of employment;
-  When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
-  When a death has occurred in the family.

No hardship. *If the PHA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.*

Temporary hardship. *If the PHA reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family’s request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The PHA will offer a repayment agreement in accordance with this policy for any rent not paid during the period of suspension. During the suspension period the PHA will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.*

Long-term hardship. *If the PHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.*

Appeals. *The family may use the grievance procedure to appeal the PHA’s determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.*

a. 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:

Minimum rent: \$50

<i>Flat rents:</i>	<i>0 bedroom</i>	<i>\$210</i>
	<i>1 bedroom</i>	<i>\$309</i>
	<i>2 bedroom</i>	<i>\$390</i>
	<i>3 bedroom</i>	<i>\$504</i>
	<i>4 bedroom</i>	<i>\$573</i>
	<i>5 bedroom</i>	<i>\$753</i>

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
- 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 re-determinations:

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
- Any time the family experiences an income increase
- Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)_____
- 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.)

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

Cost basis by average unit square footage as adjusted by bedroom size.

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 burdens 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)

If the family requests a hardship exemption, the PHA will immediately suspend the minimum rent for the family until the PHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. A hardship exists in the following circumstances:

- *If there is a substantial decrease of income which is beyond the family's control*
- *If there is a substantial increase in expenses which is beyond the family's control.*

No hardship. *If the PHA determines there is no qualifying hardship, the minimum*

rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

Temporary hardship. *If the PHA reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family’s request. At the end of the 90 day period, the minimum rent will be imposed retroactively to the time of the suspension. The PHA will offer a repayment agreement in accordance with this policy for any rent not paid during the period of suspension. During the suspension period the PHA will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.*

Long term hardship. *If the PHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.*
Section 8 Administrative Plan - page 6-3

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

The Housing Authority of the City of Fresno is a high performing agency and is not required to complete this section.

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)

A. PHA Management Structure

~~Description~~ Describe the PHA’s management structure and organization.

- _____ 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 903.7 9 (f)]

The Housing Authority of the City of Fresno is a high performing agency and is not required to complete this section.

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 office 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 office 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

[24 CFR Part 903.7 9 (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: PHAs 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 (state name)

- Attachment CA006c01* *CGP Part I - HUD 52837*
- Attachment CA006d01* *CGP Part II - HUD 52837*
- Attachment CA006e01* *CGP Part III - HUD 52837*

-or-

- The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

(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. 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 (state name)

Attachment CA006g01 Page 1 CGP Five-Year Action Plan - HUD 52834

Attachment CA006h01 Page 2 CGP Five-Year Action Plan - HUD 52834

Attachment CA006i01 Page 3 CGP Five-Year Action Plan - HUD 52834

-or-

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

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

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI 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 HOPE VI 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 HOPE VI 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 HOPE VI Revitalization grant in the Plan year?

If yes, list development name/s below:

Yes No: d) Will the PHA be engaging in any mixed-finance 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

[24 CFR Part 903.7 9 (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: <i>Yosemite Village</i> 1b. Development (project) number: <i>CA006010</i>
2. Activity type: <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Disposition
3. Application status (select one) <input type="checkbox"/> Approved <input type="checkbox"/> Submitted, pending approval <input checked="" type="checkbox"/> Planned application
4. Date application approved, submitted, or planned for submission: <i>(01/04/00)</i>
5. Number of units affected: <i>54</i> Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: <i>June, 2001</i>

b. Projected end date of activity: *January, 2003*

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

[24 CFR Part 903.7 9 (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: <input type="checkbox"/> 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
3. Application status (select one) <input type="checkbox"/> Approved; included in the PHA’s Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date this designation approved, submitted, or planned for submission: <u>(DD/MM/YY)</u>
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?
1. 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

[24 CFR Part 903.7 9 (j)]

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

A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 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 FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a 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: 1b. Development (project) number:
2. What is the status of the required assessment? <input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <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 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
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one) <input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved:) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved:) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)

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

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

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

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.)

The Housing Authority of the City of Fresno is a high performing agency and is not required to complete this section.

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"/> HOPE I	
<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.)

The Housing Authority of the City of Fresno is a high performing agency and is not required to complete this section.

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 903.7 9 (l)]

The Housing Authority of the City of Fresno is a high performing agency and is not required to complete this section.

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.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

Yes No: Has the PHA has 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 programs to 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 programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use.)

Services and Programs

Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8		

--	--	--

- b. Yes No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size?
If no, list steps the PHA will take below:

C. Welfare Benefit Reductions

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

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.

[24 CFR Part 903.7 9 (m)]

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 areas 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 used 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 anticrime/anti drug programs
- Other (describe below)

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

CA006002	<i>Sequoia Courts</i>	CA006007	<i>Monte Vista Terrace</i>
CA006003	<i>Sierra Plaza</i>	CA006008	<i>Cedar Courts</i>
CA006004	<i>Fairview Heights Terrace</i>	CA006009	<i>Funston Terrace</i>
CA006005	<i>Sequoia Courts Terrace</i>	CA006010	<i>Yosemite Village</i>
CA006006	<i>Sierra Terrace</i>	CA006011	<i>Funston Place</i>

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

1. List the crime prevention activities the PHA has undertaken or plans 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)

Same as above.

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)

In addition to the activities described in our PHDEP applications, the Housing Authority of the City of Fresno is using Comprehensive Grant Program (CGP) funds to provide security patrol services at five complexes: Monte Vista CA006007, Cedar Courts CA006008, Funston Terrace CA006009, Funston Place CA006011, and Viking Village CA006015.

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2000 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 FY 2000 in this PHA Plan?
- ___ Yes No: This PHDEP Plan is an Attachment. (Attachment Filename: ___)

<p>14. RESERVED FOR PET POLICY [24 CFR Part 903.7 (m)]</p> <p>15. Civil Rights Certifications [24 CFR Part 903.7 (o)]</p>

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

16. Fiscal Audit

[24 CFR Part 903.7 (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

[24 CFR Part 903.7 9 (q)]

The Housing Authority of the City of Fresno is a high performing agency and is not required to complete this section.

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.
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

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

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 (File name)

Attachment CA006j01 Resident and Public Comments

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:

The word customers was changed to consumers.

Other: (list below)

B. Description of Election process for Residents on the PHA Board

1. Yes No: 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. Yes No: Was the resident who serves on the PHA Board elected by the 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

Other: (describe)

The Board of Commissioners for the Housing Authority of the City of Fresno includes two (2) resident commissioners that have been appointed by the Mayor of the City of Fresno and confirmed by the City Council.

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: (provide name here)

The City of Fresno.

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)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

D. Other Information Required by HUD

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

The Housing Authority of the City of Fresno defines substantial deviation and significant amendment or modification as discretionary changes in the plans or policies of the housing authority that fundamentally change the mission, goals, objectives or plans of the agency and which require formal approval of the Board of Commissioners.

Attachments

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

Attachment CA006a01 Public Housing Admissions and Continued Occupancy Policy

Attachment CA006b01 Administrative Plan for the Section 8 Programs

Attachment CA006c01 FY 2000 Capital Fund Program Annual Statement
CGP Part I - HUD 52837

Attachment CA006d01 FY 2000 Capital Fund Program Annual Statement
CGP Part II - HUD 52837

Attachment CA006e01 FY 2000 Capital Fund Program Annual Statement
CGP Part III - HUD 52837

Attachment CA006f01 Housing Authority of Fresno County
Organizational Chart

Attachment CA006g01 PAGE 1 Capital Fund Program 5 Year Action Plan
CGP Five-Year Action Plan - HUD 52834

Attachment CA006h01 PAGE 2 Capital Fund Program 5 Year Action Plan
CGP Five-Year Action Plan - HUD 52834

Attachment CA006i01 PAGE 3 Capital Fund Program 5 Year Action Plan
CGP Five-Year Action Plan - HUD 52834

Attachment CA006j01 Resident and Public Comments

OCCUPANCY POLICY

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

1.0 INTRODUCTION

The Public Housing Program was enacted as part of the U.S. Housing Act of 1937 and amended as part of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 1437, et seq., “the 1937 Act”). The Housing Authority owns and manages more than 2,000 public housing units which are scattered throughout the City and County of Fresno. Residents who reside in public housing can choose between paying an income based rent (30% of their adjusted gross income) or a flat rent, as determined by the PHA. The Department of Housing and Urban Development (HUD) subsidizes the balance needed to manage and maintain the properties. Federal Regulations impact the selection of residents, occupancy, lease and grievance procedures.

The Housing Authority of the City of Fresno owns, manages and maintains 964 apartments included in fourteen complexes and 141 single family homes scattered throughout the City of Fresno. The County Housing Authority owns, manages and maintains 61 single family homes and 958 apartments in thirty-two complexes that are located in sixteen different county communities.

The PHA maintains separate waiting lists for the communities of Fresno, Laton, Huron, Sanger, Selma, Reedley, Fowler, Kerman, Highway City, Biola, Pinedale, Del Rey, Orange Cove, Parlier, Firebaugh, Mendota and San Joaquin.

Administration of Public Housing and the functions and responsibilities of employees of the Public Housing Authority (PHA) shall be in compliance with the PHA’s Personnel Policy and the Department of Housing and Urban Development’s (HUD) public housing regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

1.1 HOUSING AUTHORITY OVERVIEW

The primary objective of the City and County of Fresno Housing Authorities is to provide decent, safe, and sanitary housing to low and moderate income families at an affordable price. Our goal is to provide affordable housing within an environment that fosters the advancement of low and moderate income families from a position of dependency to one of self-sufficiency. Overall, the Housing Authority owns, manages or provides assistance to more than 30,000 persons living in 9,300 housing units in Fresno County.

The City and County Housing Authorities function as separate public agencies with separate governing bodies. Through a unique arrangement, the two Housing Authorities share a single Executive Director and staff, thus making it possible to draw on a more comprehensive staff while realizing the cost advantages that result from avoiding duplication, ordering in larger quantities, and sharing equipment and services. Both Housing Authorities are PHA's as defined in the United States Housing Act of 1937, and as amended, in (the 1998 Act). Both agencies have been organized under Section 31000, et a seq, of the California Health and Safety Code.

The Housing Authority of the City and County of Fresno are each governed by seven-member Boards of Commissioners. The City Board is appointed by the Mayor. Five of the seven commissioners are appointed to four-year, staggered terms. The other two members are appointed to two-year terms from among the residents of housing owned by the Housing Authority. The County Board of Commissioners is structured in the same manner, except that the County Commissioners are appointed by the Board of Supervisors.

1.2 FAIR HOUSING POLICY [CFR 960.24 (5)]

It is the policy of the Housing Authority to comply fully with all federal, state and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

This Authority shall not discriminate with respect to age, handicap, disability, race, color, creed, sex, marital status, familial status, national or ethnic origin, or sexual orientation in the acceptance of applications, in the leasing of rental housing or related facilities (including land) or in the provision of housing assistance for any project or projects under its jurisdiction (covered by an Annual Contributions Contract under the United States Housing Act of 1937), or in the use or occupancy thereof.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide federal/state/local information to participants regarding "discrimination" and any recourse available to them if they are victims of discrimination. Such information will be made available during the family briefing session at the time of admission. In accordance with Section 504 of the Rehabilitation Act of 1973, as amended, no otherwise qualified individual with handicaps shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefit of, or be subjected to discrimination under any program or activity of the Housing Authorities of the City and County of Fresno. The Housing Authority will take appropriate measures to ensure that an individual with handicaps shall have equal access to available services, programs, and activities offered. Such appropriate measures include, but are not limited to:

1. provision of telecommunication devices for the deaf;
2. provision of sign language interpreters, as requested;

3. provision of readers and amanuenses, as requested;
4. utilization of barrier-free meeting places;
5. provision of a discrimination complaints procedure.

Posters and housing information are displayed in locations throughout the PHA's offices in such a manner as to be easily readable from a wheelchair.

The **Housing Authority of the City and County of Fresno's** central office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the ***TDY telephone service provider***.

To the extent permitted by federal status, it is the policy of the Housing Authority to avoid concentrating the most economically and socially disadvantaged families in the housing projects. Such policy shall be effected by housing eligible families.

1.3 SPECIAL ACCOMMODATIONS

This section is applicable to all situations described within this Occupancy Policy when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies.

The PHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notice on PHA forms and letters to all families, and all requests will be verified so that the PHA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

With respect to an individual, the term "disability" means:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;*
- A record of such impairment; or*
- Being regarded as having such an impairment*

Those "*regarded as having such an impairment*" may include those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.

Individuals with *contagious diseases* who do not pose a direct threat to others are covered by the Act. AIDS victims and those who test positive for the HIV virus are considered to have a disability.

An individual who has an *infectious or communicable disease* that is transmitted to others through the handling of food, the risk of which cannot be eliminated by reasonable accommodation, may be refused an assignment or a continued assignment to a job involving food handling. The Secretary of Health and Human services annually will publish a list of those ideas that are transmitted through food handling.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an “undue financial and administrative burden” for the PHA, meaning an action requiring “significant difficulty or expense”. This standard is not specifically defined in the Act.

In determining whether accommodations would create an undue hardship, the following guidelines will apply:

- *The nature and cost of the accommodation needed;*
- *The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and*
- *The number of persons employed at such facility, the number of families likely to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.*

All requests for accommodation or modification will be verified with a reliable knowledgeable, professional.

The Housing Authority utilizes organizations which provide assistance for hearing and sight impaired persons when needed.

A list of available accessible housing units will be provided.

The PHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

1.4 LOCAL OBJECTIVES [24 CFR 960]

The Public Housing Program is designed to achieve these major objectives:

To provide decent, safe, and sanitary housing for low to moderate income families of all ethnic backgrounds while maintaining their rent payments at an affordable level.

It is the objective of the PHA to house the broadest possible range of families with very low to moderate incomes in order to achieve a stable mixed resident body and

avoid concentration of very low income families.

In any fiscal year, not less than 40% of public housing admissions shall be by families whose income, at time of admission, does not exceed 30% of the area median income in accordance with Section 16 U.S. Housing Act of 1937, amended as Section 513 of the “1998 Act”.

In addition, the PHA has the following goals for the program:

To encourage self sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, drug prevention, recreational and other human services needs.

To create positive public awareness and expand the level of family and community support in accomplishing the PHA’s mission.

To attain and maintain a high level of standards and professionalism in our day-to-day management and delivery of services for all program components.

To administer an efficient, high-performing agency through continuous improvement of the PHA’s support systems and commitment to our employees and their development.

1.5 PURPOSE OF THE POLICY [24 CFR 960.201]

The purpose of this Occupancy Policy is to establish administrative guidelines consistent with HUD requirements and local objectives. The Policy covers both admission and continued participation in the public housing program.

The PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Policy, HUD regulations will have precedence. The original Policy and any changes must be approved by the Board of Commissioners of the PHA or the Executive Director and a copy provided to HUD.

This Occupancy Policy is set forth to define the PHA’s local policies for operation of public housing programs in the context of Federal Laws and Regulations. All related issues not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

1.6 **PRIVACY RIGHTS** [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The PHA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

The PHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.

PHA staff will not discuss family information contained in files unless there is a legitimate business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

Chapter 2

ESTABLISHING THE WAITING LIST FOR PUBLIC HOUSING

2.0 INTRODUCTION

It is the PHA's objective to ensure that all families who express an interest in public housing are given an equal opportunity to apply, and are treated in a fair and consistent manner. All families who apply for public housing are placed in the proper order on the waiting list *and selected from the waiting list for admissions in accordance with this Occupancy Policy*. These procedures shall be in compliance with all provisions of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws. (CFR 960.203)

2.1 MARKETING AND OUTREACH

This section establishes the basic procedures in order to achieve an Affirmative Fair Housing and Marketing and Outreach Plan for public housing.

The PHA will publicize and disseminate information to make known the availability of public housing units for low to moderate income families on a regular basis. The PHA will publicize in a newspaper of general circulation, minority media, and by other suitable means. Notices will also be provided in Spanish and other available multi-lingual media.

To reach persons who cannot read the newspapers, the PHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The PHA will also utilize public service announcements.

The PHA will communicate the status of housing availability to other service providers in the community, advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

Marketing and outreach notices may include being placed, but not limited to the following locations:

- Various places of employment
- State Unemployment offices
- Local County Human Services offices
- U.S. Post Offices
- Grocery stores
- Public transportation
- Various churches

- Community organizations servicing individuals with handicaps / disabilities

The PHA public notice is mailed to various organizations listed in the Fresno County Resource Directory. In addition, the information is published in a newsletter by the Fresno Housing County Information and Referral network. Examples of organizations and media contacted are:

- Homeless shelters
- Lao Center
- CSU Fresno
- Center for Independent Living
- Hmong Women's Federation
- Evangel Home
- Emergency Housing
- The Fresno Bee, Vida En El Valle, Channel 21 and Channel 18

The notice will contain locations where families may apply and a brief description of the program. The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the PHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of preferences, if any. Upon request from a person with a disability, additional special accommodation will be provided for submission of an application.

The PHA will promote housing choice for all prospective residents, including special outreach efforts for those least likely to apply.

2.2 "INITIAL" APPLICATION PROCEDURES

The PHA will utilize a preliminary-application form (pre-application). The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The purpose of the pre-application is to permit the PHA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. The pre-application form will contain questions designed to obtain the following information:

- Names of adult members and age of all members
- Sex and relationship of all members
- Street address and phone numbers
- Mailing address (if PO Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information related to qualification for preference
- Social Security Numbers

- Race/ethnicity
- Information regarding disabilities and request for specific accommodations needed

The pre-application is the formal document used by the PHA and represents the official record of each family seeking housing assistance. Each pre-application form must be signed by the applicant and dated. By so signing, the applicant certifies the accuracy of the information stated and submitted.

All applicant families will be placed on the waiting list, except duplicate applications, including applications from a segment of an applicant household.

Pre-applications will not require an interview. Except for verification of preferences, the information on the application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

2.3 WAITING LIST

The application process will involve two phases. The first is the “initial” application referred to as the pre-application. The first phase results in the family’s placement on the waiting list.

The second phase is the final determination of eligibility/ineligibility for admission into public housing. This takes place when the family reaches the top of the waiting list.

By maintaining an adequate waiting list, the PHA will be able to occupy available public housing units in a timely manner. Applicants will be selected from the PHA waiting list in accordance with policies and preferences defined in this Occupancy Policy.

The PHA will maintain information that permits proper selection from the waiting list. The waiting list contains the following information for each applicant listed:

- Applicant Name
- Family Size / Composition
- Bedroom size needed
- Date and time of application
- Qualification for any ranking or local preference

The waiting list will be maintained in accordance with the following guidelines:

- The application will be part of a permanent file
- Applications equal in preference will be maintained by date and time sequence
- All applicants must meet from low to moderate income eligibility requirements as

established by HUD.

2.4 WAITING LIST PREFERENCES

The Federal Preferences, which have long applied to public housing programs are repealed by the 1998 Act. (24 CFR 960.204, 960-407; Sections 514 and 545 of the 1998 Act amending Sections 6 and 8 of the 1937 Act).

The waiting list will be ordered according to date and time of application along with the following local preferences.

2. The PHA will extend a local preference to families who are displaced as the result of government action or victims of domestic violence. Displaced person(s) are individuals or families displaced by government action or 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.
3. The PHA will extend a local preference to families who are working, have an established work history or are currently enrolled in a job training program. Applicants with an adult family member enrolled in an employment training program, currently working, or attending school on a full-time basis will be given preference.
4. The PHA will provide a state (California) preference to all applicants who are eligible as U.S. Veterans.

For applicants with more than one preference, the date and time of the PHA's receipt of their application shall be the tie-breaker in determining placement on the wait list.

Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2, and preference 2 families will be offered housing before any families in preference 3.

The date and time of application will be noted and utilized to determine the sequence within the above prescribe preferences.

Notwithstanding the above, the families who are elderly, disabled, or displaced will be offered housing before other single persons.

Verification of Preferences

In order to ensure the accuracy and completeness of the applicant's file, applicants claiming a local preference shall provide verification prior to being placed on the waiting list.

Applicants claiming a state “veteran’s” preference shall provide verification by the following:

- DD-214
- Discharge papers
- Current military document showing military status
- Written documentation from the Veteran’s Administration

Applicants claiming a “working” preference shall provide verification by the following:

- Written statement from employers or copies of check stubs
- Written statement from job training programs or trade school
- State Unemployment verification
- Income tax records

Applicants claiming a “displaced / domestic violence” preference shall provide verification by the following:

- Written letter / statement from public agency or community service organization
- Written statement from a medical professional or law enforcement agency

Preference Denial

If the PHA offers a unit to an applicant with a high priority having a local preference of displaced/victim of domestic violence, and the family rejects the unit *without good cause*, the family will forfeit their preference (placement) on the waiting list. Date and time will remain the same. Good cause includes reason related to health, proximity to work, school, and child care. (*for those working and attending school*).

If the PHA denies a preference, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for *an informal meeting*. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

2.5 MAINTAINING THE WAITING LIST

Separate waiting lists are maintained for each of the following communities: Fresno, Laton, Huron, Sanger, Selma, Reedley, Fowler, Kerman, Highway City, Biola, Pinedale, Del Rey, Orange Cove, Parlier, Firebaugh, Mendota and San Joaquin. Applicants can apply for one or more waiting lists. Applications shall be accepted from all apparently eligible applicants in accordance with the criteria enumerated in Section 2.2.

Applications will continue to be accepted until the number of applicants, by bedroom size, indicates that future applicants for housing would not be offered housing by the PHA within a reasonable period. At such times, the taking of applications may be suspended.

Applicants are required to inform the PHA in writing of changes in family composition, income and address. Applicants are also required to respond to requests from the PHA to update information on their application, or to determine their continued interest in housing. Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list.

PHA staff shall record the appropriate reported changes into the computer file. The computer system automatically accounts for the reported changes and updates proper placement of the family's application on the waiting list.

Applicants whose application has been withdrawn may reapply by submitting a new application.

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change.

Split Household

When a family is on the waiting list splits into two otherwise eligible families, due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the PHA will make the decision taking into consideration the following factors:

- Which family member applied as head of household
- Which family unit retains the children or any disabled or elderly member
- Restrictions that were in place at the time the family applied
- Role of domestic violence in the split
- Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the PHA.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. “51% of the time” is defined as 183 days of the year, which do not have to run consecutively.

When both parents are on the waiting list and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

The application and all related documents are to be maintained in the active file until the application is classified as withdrawn or denied, or until the applicant has been housed in a public housing unit.

Balance Owed to PHA

Former public housing and/or Section 8 program participants who left owing a balance to the PHA or to other housing agencies will be denied admission to public housing until such balance is paid. Although those with current payment agreements will be allowed on the waiting list, they cannot be assisted under any housing assistance program **until the entire balance is paid in full.**

Purging the Waiting List

The PHA will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom the PHA has current information, i.e. applicant’s address, family composition, income category, and preferences.

The waiting list will be purged by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

Any mailings to the applicant which require a response will state that failure to respond will result in the applicant’s name being dropped from the waiting list.

If a letter is returned by the U.S. Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

The PHA will not remove an applicant’s name from the waiting list unless:

- The applicant requests in writing that the name be removed;
- The applicant fails to respond to a written request for information or a request to

- declare their continued interested in the program; or
- The applicant does not meet either the eligibility or suitability criteria for the program.

Notification To Applicants

All correspondence and notices sent to applicants by the PHA which require a response, request submission of information, or to schedule an appointment, ***must inform the applicant that failure to comply*** will result in termination of their application.

The PHA will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. Applicants will be offered the right to an informal conference before being removed from the waiting list.

The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the specified time frame. The PHA system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the PHA will verify that there is in fact a disability and the disability cause the failure to respond, and provide a reasonable accommodation. Reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

Chapter 3

ELIGIBILITY FOR ADMISSIONS AND TENANT SELECTION [24 CFR Part 5, 960]

3.0 INTRODUCTION

This chapter defines both HUD and the PHA's criteria for admission or denial of admission to public housing. It is the policy of the PHA to strive for objectivity and consistency in application of criteria used to evaluate the eligibility and screening of all families. The PHA will review all information provided by the family carefully and **without regard to factors other than those** defined in this chapter. Families will be provided the opportunity to explain their circumstances, furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the PHA pertaining to their eligibility.

3.1 POLICY OBJECTIVES

It is the objective of the PHA to house the broadest possible range of families with very low to moderate incomes in order to achieve a stable, mixed resident body. Concentration of very-low income families will be avoided.

Income Targeting and Deconcentration [24 CFR 5.607, Section 513 of the 1998 Act Amending Section 16 of the 1937 Act]

As a general rule, not less than 40% of any new admissions in any fiscal year shall be families whose income does not exceed 30% of median income for the area.

The PHA will encourage very low-income applicant families to move into developments populated with higher income families. Also, the PHA will encourage higher income applicant families to move into developments populated with very low income families. This effort will support the PHA's objective to achieve a stable mixed income resident body and avoid concentration of very low income families.

The PHA will affirmatively market our housing to all eligible income groups.

3.2 TIME OF SELECTION AND OCCUPANCY STANDARDS

When a housing unit becomes available, the PHA will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal.

Unit Occupancy Standards

To avoid overcrowding and to assist as many families as possible, available housing units shall be issued in accordance with the occupancy standards set forth below:

<i>Number of Bedrooms</i>	Number of Persons	
	Minimum	Maximum
<i>0</i>	1	1
<i>1</i>	1	2
<i>2</i>	2	4
<i>3</i>	3	6
<i>4</i>	5	8
<i>5</i>	7	10

- Minimum and maximum standards may be adjusted based on unit design, to make temporary use of available units or to accommodate the medical needs of a family.
- Dwelling units will be assigned so as not to require the use of the living room for sleeping, except in studio units.
- Every family member is to be counted as a person in considering the appropriate bedroom size.
- In the assignment of dwelling units, the PHA will consider and advise the applicant or resident of the following guidelines:
 - No more than two persons would be required to occupy a bedroom.
 - Persons of different generations, persons of the opposite sex (other than spouse) and unrelated adults would not be required to share a bedroom.
 - Children, with the possible exception of infants, would not be required to share a bedroom with persons of different generations, including their parents.
 - In no event may any single person (who is not 62 years old or older, disabled, persons with disabilities, or the remaining member of resident family) be provided a housing unit with two bedrooms or more.

If an applicant or resident requests that these guidelines not be considered, the unit

assignment may not result in more than two persons sharing a bedroom. The applicant or resident shall also sign a statement acknowledging its request for the PHA's waiver of these guidelines in assignment of a unit.

The applicant or resident will be eligible for a unit size reassignment only on the basis of a change (increase or decrease) in family composition, or upon the PHA's determination that the family's circumstances warrant a change in unit size.

Buildings Designed for the Elderly and Disabled

Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities.

Medical Need for Larger Unit

If an applicant requests a need for a larger unit for medical reasons, a written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

Accessible Units

When an accessible housing unit becomes available, the unit shall be offered:

- *First:* to a current public housing resident who has disabilities requiring the accessibility features and who is living in a non-accessible unit.
- *Second:* to an eligible qualified applicant on the waiting list having disabilities requiring an accessible unit. A disabled applicant has the right to reject a unit that does not meet his/her accessibility needs without having the rejection counted against him/her. A separate bedroom can be provided for live-in attendants with proper medical verification.
- *Third:* to an applicant not having disabilities requiring the accessibility features. In this case the applicant must agree to move to a non-accessible unit when one becomes available, should an individual or family needing such accessible features apply and become eligible for admission to the program. Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

3.3 CONDITIONS GOVERNING ELIGIBILITY [24 CFR Parts 5, 960]

Applicants for the public housing program shall be deemed initially eligible for consideration provided that they meet all of the following conditions:

- The applicant must qualify as a Family (as defined in Appendix 1)
- Either their Annual Income (as defined in Appendix 1) does not exceed the applicable Low Income Limit (listed in Appendix 2), or they have continuously been assisted under the United States Housing Act of 1937. To determine if a family is income-eligible, the PHA compares the Annual Income of the family to the applicable income limits for the family size.
Income limits apply only at admission and are not applicable for continued occupancy or families transferring within the PHA's public housing.
- Families are required to provide verification of Social Security Numbers issued by the Social Security Administration for all family members age 6 and older prior to admission or certify that they do not have one. This requirement also applies to persons joining the family after admission to the program.
- In addition to the eligibility criteria, families must also meet the PHA's screening criteria for suitability as a resident described in Section E of this Chapter, in order to be admitted to public housing.
- A family member must be a U.S. citizen or eligible immigrant. A non-citizen lawfully admitted to the U.S. either as a permanent or a temporary resident is considered an eligible immigrant.

Citizenship / Eligible Immigration Status

In order to be eligible for admission into public housing, a family member must be a U.S. citizen or eligible immigrant. Eligible immigrant are persons who are in one of the immigrant categories as specified by HUD.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated.

No eligible members. Applicant families that include no eligible members will be ineligible for admittance into public housing. Such families will be denied admission and offered an opportunity for an informal conference.

Non-citizen students. Defined by HUD in the non-citizen regulations are not eligible for assistance.

Transfers

Transfers within the public housing program shall take preference over placement of applicants from the waiting list.

3.4 INTERVIEW FOR ADMISSIONS

The PHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs which may be available.

- The head and/or spouse is required to attend the interview
- It is the applicant's responsibility to reschedule the interview if he/she misses the appointment. If the applicant does not reschedule or misses the scheduled meeting without good cause, PHA will reject the application as indicated in the appointment letter.
- Reasonable accommodations will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.
- All adult members must sign the HUD Form 9886, *Consent for Release of Information*, the consent related to citizenship/immigration status and any other documents required by the PHA. Failure to sign all required verification forms for information will cause the denial of the application for failure to provide necessary certifications and releases as required by the PHA.
- If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing. The family will be given **seven working days** to supply the information.

3.5 APPLICANT SCREENING FOR SUITABILITY AS A RESIDENT

Determination of initial eligibility for the public housing program does not guarantee the acceptance of applicants as residents. Applicant's suitability as residents shall also be evaluated on the basis of the following information and criteria:

- The applicant’s history of meeting all financial obligations, especially the payment of rent.
- Applicants who, by definition of the Department of Housing and Urban Development 1996 “Extender Act,” have a history of any drug or alcohol abuse or related activity, or criminal activity, whether or not they have been convicted on criminal charges.
- Provision of evidence that any and all prior criminal activity on the part of any member of the household does not constitute a present danger to other PHA’s residents or to PHA’s staff. Criminal history background shall be evaluated on the basis of:
 - The seriousness of any and all crimes committed
 - The number of offenses
 - Recommendations from parole officers or other representatives of the criminal justice system.
 - Records of rehabilitation or intent to enroll in rehabilitation program(s)
 - Court records, police records, physicians’ reports, social workers’ reports, etc.
 - Evidence of criminal or malicious activity while a visitor on the PHA’s property or as a former member of a resident family of the PHA.
 - The illegal manufacture, sale, distribution, use, or possession of a controlled substance by any member of the prospective resident household.
 - **Any individual convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) will be permanently denied admission into any public housing unit according to Section 428 of the FY 1999 HUD Appropriations Act, Section 16, Subsection (f).**
- **Adult individuals who are registered in the State’s lifetime sex offender registrations program, including live-in aides will not be admitted to public housing.**
- Applicants who, by definition of the Department of Housing and Urban Development 1996 “Extender Act,” have a history of behavior that would threaten the health, safety or peaceful enjoyment of the premises by other residents.
- Reports from prior landlords indicating the resident’s rent payment history, maintenance of property, and the behavior of resident’s guests and family members.
- Reports from PHA staff, based on a home visit to the applicant’s current residence. If reports from PHA staff, based on a home visit to the prospective resident, show any of the following, the applicant may be deemed unsuitable:
 - Poor housekeeping habits / failure to maintain the dwelling
 - Destruction of the dwelling unit caused by the resident
 - Infestation of the unit caused by resident’s failure to clean properly

- Lack of complete disclosure of family members' income and assets or indications that the applicant is deliberately obstructing efforts to obtain said information may jeopardize the applicant's acceptability for housing, since it is indicative of a pattern which may persist once the person becomes a resident. Such behavior may be interpreted as attempted fraud and may result in the determination that the applicant is unacceptable in a federal program where assets and income determine the rent and eligibility.
- In addition to being determined to be eligible under the above criteria, before being assisted, the family must be determined suitable for tenancy in accordance with Section III. If the family is determined not suitable for tenancy, they shall be denied admission in writing and given the reason(s) for rejection. Those denied admission will be informed in writing of the right to an informal conference.

3.6 INCOME AND ASSETS

To determine annual income, the PHA counts the income of all family members. Once the annual income is determined, the PHA subtracts all allowable deductions as allowances to determine the TTP (Total Tenant Payment).

All sources of income must be verified in writing by the individuals' representatives, or from organizations providing such income. In addition, the applicant or participant will be required to sign a *Consent for Release of Information* form as designed by the PHA to be used in obtaining verifications of any and all sources of income and assets, (including wage or benefit information from the California Employment Department).

Following are examples of income sources:

- Written statements from employers, the Social Security Administration, pension administrators, TANF, General Assistance, Unemployment benefits, Social Security Disability, State Disability, Worker's Compensation, severance payments, insurance payments, alimony, child support, and regular contributions from family members not residing within the household may be used to verify an applicant's / tenant's income.
- All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family or spouse, or who is considered a member of the family is counted toward determination of eligibility and continued occupancy. Excluded from such consideration is special pay to a family member of the Armed Forces who is exposed to hostile fire.
- For self-employed applicants, the provision of income tax records or a summarized book of accounts reflecting the gross and net income from a business or profession must be provided by the applicant. For this purpose, expenditures for business expansion or

amortization of capital indebtedness and an allowance for the depreciation of capital assets shall not be deducted to determine the net income. Such applicants shall also be required to sign the *Consent for Release of Information* form.

- Determination of income shall reflect the gross and not the adjusted income after deductions for taxes, Social Security, pension contributions, etc. In addition, wages shall include tips, overtime pay, bonuses, commissions, etc.
- Documentation shall also be required from the applicant's bank, fund manager, real estate manager, of all assets, of the value thereof and interest thereon, and of the dividends, or other net income derived from such capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property.
- **TANF Income.** If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

If the amount of the welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

3.7 INCOME EXCLUSIONS

- Annual income does not include casual or sporadic gifts, amounts specifically for or in reimbursement of the cost of medical expenses, or lump sum additions to family assets such as inheritances, insurance payments, or settlements for personal or property losses.
- Annual income does not include payments received for the care of foster children or foster adults.
- Annual income does not include modest amounts (not exceeding \$200 per month) received by a resident as a stipend for performing a service to the PHA on a part-time basis that enhances the quality of life in the development. No resident may receive more than one such stipend during the same period of time.
- Annual income does not include amounts received by a participant in other public assistance programs that are specifically for reimbursement of out-of-pocket expenses incurred solely to allow participation in a specific program. (e.g. special equipment, clothing, transportation, child care, etc.)

- Annual income does not include the income of a live-in aide.
- Annual income does not include special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Annual income does not include the full amount of student financial assistance paid directly to the student or the educational institution.
- Annual income does not include incremental earnings and benefits from participation in a state or local employment training program. Amounts excluded by the provision must be received under employment training programs with clearly defined goals and objectives and are excluded only during participation in the program.
- For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation in employment training and supportive services programs. Such employment training and supportive service programs which are funded by the Federal, State or local government; are operated or administered by a public agency; and have the objective to assist participants in acquiring employment skills.
- Income received from these programs are excluded **only for the period** during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired after completion of such program. If the family member is terminated from employment with good cause, the exclusion period shall end.
- Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
- The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion will not apply for any family who concurrently is eligible for exclusion as stated above. Additionally, this exclusion is only available to:
 - Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years; or
 - Families whose income increases during the participation of a family member in any family self-sufficiency program; or
 - Families who are or were, within 6 months, assisted under a State TANF program.

3.8 DEDUCTIONS FROM INCOME

HUD has six allowable deductions from Annual Income:

- Dependent Allowance: \$480 for each family member (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
- Elderly/Disabled Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.
- For families with an elderly, disabled, or persons with disabilities head of household or spouse, there shall be a deduction of any unreimbursed medical expenses exceeding 3% of the tenant's or applicant's gross Annual Income.
- For families, there shall be a deduction for reasonable child care expenses (other than reimbursed expenses) for children under the age of 13 when such care is necessary to enable the parent(s) to attend school full-time, full-time vocational training or employment. Reasonable expenses are those that do not exceed average child care expenses as determined by the PHA's survey of local child care costs.
- Any earned income of minors in the family under the age of 18.

Deductions, as mentioned above, from the gross Annual Income shall result in an *Adjusted Annual Income*. Such Adjusted annual Income shall be calculated on a monthly basis and the 30% factor applied, which shall result in the monthly TTP. In instances where a tenant is required to pay for utilities (gas, electric, water garbage or sewer), an adjustment shall be made in the TTP in accordance with the utility allowance schedule. The resulting figure shall be called the Tenant Rent.

3.9 VERIFICATION OF ELIGIBILITY

HUD regulations require that the factors of eligibility be verified by the PHA. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible. The PHA will obtain proper authorization from the family before requesting information from independent sources.

The PHA will verify information through the following methods of verification:

- Third-Party Written
- Third-Party Oral
- Review of Documents

Verification of information must be dated within ninety (90) days of certification.

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. Verifications received electronically directly from the source are considered third-party written verifications. Where allowed by HUD, and/or State or local agencies, computer matching will be used.

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will note with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the PHA will compare the information to any documents provided by the family. If provided by telephone, the PHA must originate the call.

In the event that third-party written or oral verification is unavailable, or the information cannot be verified by a third party within two weeks, the PHA will note the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the PHA will utilize the third party verification.

The PHA will not delay the processing of an application beyond 15 calendar days because a third party information provider does not return the verification in a timely manner.

Family Members Identity

Birth certificates, marriage licenses, guardianship papers, California DMV identification cards, and California Driver's licenses shall be photo-copied and placed in the applicant's file in order to verify identity of all family members.

Social Security Number

The family must disclose the Social Security numbers for all family members six years of age or older and provide verification by presenting the Social Security cards as issued by the Social Security Administration (or other acceptable verifications as determined by the PHA) If a family member has no Social Security number, he/she or such other responsible member will be required to sign a certification to that effect. If he/she has been assigned a Social Security number, but has not verification of such, he/she will be required to supply verification within 60 days of signing a certification identifying his/her assigned Social Security number. Elderly families will be given an additional 60 days to produce such verification or certification. Failure to comply within the specified time period will result in application denial, removal from the waiting list, or termination from the process.

Citizenship/Eligible Immigrant Status

Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status only once.

- Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. The PHA will not require citizens to provide documentation of citizenship.
- Eligible Immigrants who were participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.
- Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that the INS conduct a manual search.
- Ineligible Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
- Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They show a student visa but their status will not be verified and they do not sign a declaration but are listed on the statement as ineligible members.
- Failure to Provide. If an applicant or participant family member fails to sign a required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied admission for failure to provide required information. Once verification has been completed, it need not be repeated.

The regulations stipulate that one of the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-55)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)

- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified.

Medical Expenses

Documents detailing unreimbursed medical expenses (for elderly families only) are required in order to determine the rent an applicant or participant will pay.

Child Care Expenses

Documents verifying child care expenses (other than reimbursed expenses) which enable adult family members to attend school full-time, full-time vocational training, or employment (children cared for must be under 13 years of age) are required to determine the tenant's rent.

Pregnancy

Verification of pregnancy is required when it is the sole basis for qualifying a family's eligibility. In cases where an immediate determination cannot be made, the PHA may require a physician's certification.

Live-In Aide

Verification of the necessity for a live-in aide must be supported by written certification from a reliable, knowledgeable professional such as a doctor or social worker. Verification must include the hours the care should be provided (full-time or part-time basis). **Live-in aide** is not treated as a program participant and their income will not be counted for the purpose of determining eligibility. However, a live-in aide is subject to screening for suitability requirements and shall not be considered as a remaining family member with residual rights to public housing.

Pre-Admission Home Visits

A pre-admission home visit may be completed to determine the acceptability of the family's housekeeping habits. If a home visit is not made, a narrative to the file should state the reasons why.

Rental History

A narration of a landlord's response to the PHA's inquiry concerning an applicant's behavior as a tenant shall be placed in the applicant's file. Similar information concerning other individuals who will be members of the applicant's household is to be obtained and kept with the applicant's file.

3.10 EVALUATION OF INFORMATION

All information assembled with regard to a potential resident is to be reviewed by PHA staff for completeness and accuracy. Where necessary, follow-up information shall be obtained.

After collection and documentation of information and the review for completeness and accuracy, it must be possible to make all of the following determinations concerning the applicant:

- Eligibility as a “family.”
- Eligibility of the family with respect to income limits.
- Eligibility of the family with respect to its suitability as a tenant. A suitable resident family is one that, in the estimation of the PHA’s staff, would not have a detrimental effect on other PHA residents or on the environment of the complex.
- Eligibility of the family with respect to its having no outstanding balance on the PHA’s records, or for any other federally-subsidized housing program.
- Determination of the appropriate size unit.
- Determination of the family’s Adjusted Income and Total Tenant Payment.

3.11 DETERMINATION OF TOTAL TENANT PAYMENT [24 CFR 5.603, 5.609, 5.611]

This section defines the allowable expense and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA’s policies in this section address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

In general, the Total Tenant Payment (TTP) of the applicant shall be determined in accordance with the following guidelines and formulas. There may be other special factors impacting on tenant rent calculations, and PHA staff will review pertinent federal regulations and definitions prior to making a final determination.

Family Choice

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method or having their rent set at the flat rent amount.

- Families who opt for the flat rent will be required to go through the income reexamination process **every three years**, rather than the annual review they would otherwise undergo.
- Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons.
- The family's income has decreased;
- The family's circumstances have changed increasing their expenses for child care, medical care, etc.;
- Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

Formula Method

The TTP shall be established based on one of the following calculations, whichever is the highest. The result shall be rounded to the nearest dollar.

- 30% of Monthly Adjusted Income
- 10% of Monthly Income
- If the family receives (TANF) Temporary Assistance to Families with Children and a part of such payments, adjusted in accordance with the family's housing costs, is specifically designated by such agency to meet the family's housing cost, that monthly portion of such payment shall be the TTP.
- \$50.00 (minimum rent)

The family will pay the greater of the total tenant payment or the minimum rent of \$50, but never more than the flat rent.

In the case of a family who has qualified for the income exclusion described in Section 3.7 of this Chapter, upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

Minimum Rent

The PHA has set the minimum rent at \$50. However, if the family requests a hardship exemption, the PHA will immediately suspend the minimum rent for the family until the PHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. A hardship exists in the following circumstances:

- When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
- When the family would be evicted as a result of the imposition of the minimum rent requirement;
- When the income of the family has decreased because of changed circumstances, including loss of employment;
- When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
- When a death has occurred in the family.

No hardship. If the PHA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

Temporary hardship. If the PHA reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The PHA will offer a repayment agreement in accordance with this policy for any rent not paid during the period of suspension. During the suspension period the PHA will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

Long-term hardship. If the PHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

Appeals. The family may use the grievance procedure to appeal the PHA's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

Flat Rent

The PHA has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The PHA determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-

day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

The PHA will post the flat rents at each of the developments and at the central office. The flat rents are incorporated in this policy upon approval by the Boards of Commissioners.

Rent For Families Under The Non-Citizen Rule

The family's assistance is prorated in the following manner:

- Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the PHA. The 95th percentile is called the maximum rent.
- Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

Proration of Rent for "Mixed Families"

Proration of rent must be offered to any "mixed" applicant family seeking admission into public housing. A household is considered a "mixed" family when some family members have eligible immigration or citizen status, while other members do not. The amount of housing assistance, for the purpose calculating the rent, is based upon the number of family members with eligible immigration status and the PHA's maximum rent (flat rent or ceiling rent).

Utility Allowance

The PHA shall establish a utility allowance for all check-metered utilities and for all tenant-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the PHA will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The utility allowance will be subtracted from the family's formula or flat rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each

month to the PHA. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual re-examination.

Families with high utility costs are encouraged to contact the PHA for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

Residents may submit a request for a special utility allowance relief. In order to be considered for evaluation, the resident must submit a description of any special circumstances that affect the amount of electricity or gas usage and include the utility usage records for the previous 12 months. Only those circumstances which are beyond the residents control are eligible for consideration. Examples of special circumstances include the special needs of the elderly, physically ill, persons with disabilities or disabled persons in need of using special equipment and/or apparatus' which require consumption of energy to operate. The PHA will review each case on an annual basis.

Income Changes Resulting From TANF Program Requirements [24 CFR 5.618, Section 512]

If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud. The PHA may only deny a reduction in rent after obtaining written verification from the welfare agency.

If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

3.12 NOTIFICATION TO APPLICANTS

- Each applicant shall be informed in writing concerning his/her income and asset eligibility.

- For all other criteria which may adversely affect an applicant's eligibility or placement on the waiting list, the applicant shall be notified and either denied (if ineligible) or placed back on the waiting list with the appropriate rank (if eligible).
- The applicant is to be informed in writing of the reason for a determination of ineligibility. In addition, the applicant shall be informed that he/she has seven working days in which to make a request for an informal conference in order to contest a determination of eligibility.
- Upon determination of eligibility for admission to the program, each applicant shall be advised of the expected date of vacancy.
- If it becomes necessary to defer a decision concerning eligibility, the applicant shall be so advised.

Chapter 4

THE DWELLING LEASE

4.0 INTRODUCTION

This Chapter defines execution of the dwelling lease as a condition of occupancy for public housing. The PHA's dwelling lease must be structured to and in conformance with this Occupancy Policy, the Lease and Grievance Procedures outlined in 24 CFR, Section 966.4 and California State laws.

4.1 NEW LEASE

Once a family has been determined eligible for admission to public housing, they are ready for occupancy. PHA staff shall review all sections of the lease with the family. The head of household and co-head of each family shall be required to sign a lease prior to moving into the unit.

All pro-rated rent amounts and security deposit shall be paid during initial execution of the lease. A copy of the lease, along with other pertinent documents, are to be provided to the resident family and a copy placed in the PHA's permanent file of the family.

If for any reason a signatory to the lease ceases to be a member of the family, the old lease shall be voided and a new lease executed (provided that the family is still eligible for housing).

If at any time during the life of the lease there are changes in the family status or the Authority wishes to amend the lease, the lease is to be canceled and a new one executed, or changes shall be effected through the use of an amendment and thus made part of the existing lease.

4.2 SECURITY DEPOSITS

Upon signing a lease agreement and in addition to the monthly rent, a resident shall pay a security deposit as follows:

- ◆ 0 - 1 Bedroom Units: a minimum Security Deposit of \$75 or more month's rent, whichever is higher. The Security Deposit is not to exceed \$350.
- ◆ 2 (+) Bedroom Units: a minimum Security Deposit of \$150 or one month's rent, whichever is higher. The Security Deposit is not to exceed \$350.

- ◆ The Security Deposit for elderly tenants only, which includes a persons with disabilities or disabled family, is a minimum Security Deposit of \$75 or one month's rent, whichever is higher. The Security Deposit shall not exceed \$350.

The Security Deposit shall be applied by management at the time of termination of the Lease toward any rent or other charges owed by the resident in the following order:

- ◆ Rent
- ◆ Late payment fee
- ◆ Legal fees
- ◆ Resident-caused maintenance repairs

Management agrees to return the Security Deposit within three (3) weeks, less any deductions. Management will give resident a written itemized statement of any such costs for damages and/or charges deducted from the Security Deposit. The three (3) weeks notification to begin from vacate date.

The Security Deposit may not be used to pay rent or other charges while resident occupies the dwelling unit.

4.3 PET POLICY

Residents must have prior approval of the PHA before moving a pet into their unit. The PHA conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

4.4 TERMINATION OF LEASE

Termination By Tenant

The tenant may terminate the lease at any time upon submitting 15-day written notice. If the tenant vacates prior to the end of the fifteen (15) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

Termination by the PHA

The PHA will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure.

The PHA will terminate the lease for serious or repeated violations of material lease terms. Such violations include, but not limited to the following:

- ◆ Nonpayment of rent
- ◆ A history of late rental payments
- ◆ Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- ◆ Failure to allow inspection of the unit;
- ◆ Failure to maintain the unit in a safe and sanitary manner;
- ◆ Assignment or subletting of the premises;
- ◆ Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- ◆ Destruction of property;
- ◆ Any criminal activity on the property or drug-related criminal activity on or off the premises. **Any individual convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on Housing Authority premises will be immediately and permanently terminated of their tenancy in public housing according to Section 428 of the FY 1999 HUD Appropriations Act, Section 16, Subsection (f). Premises is defined as the building or complex, including common areas and grounds as defined in the HUD Federal Register.**
- ◆ Other good cause.

The PHA will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

In the event a resident is absent from the dwelling unit for 14 consecutive days, while in default of rent, the resident shall be deemed to have abandoned the unit according to California State law. Any remaining personal property or belongings of resident shall be considered abandoned and may be disposed of by the PHA according to state law.

In the event of the untimely and unexpected death of the resident and there are no other adults in the household, the PHA shall contact the next of kin as designated in the resident file. The PHA will make arrangements with the residents designated representative regarding the residents personal property and belongings.

4.5 INSPECTIONS

The PHA is required to complete a physical inspection of the dwelling unit prior to residents' occupancy, once each year and periodically to review the condition of the unit.

The PHA and an adult member of the family will inspect the unit prior to moving into the dwelling. A written inventory listing the condition of the unit and furnished equipment will be signed by both parties and a copy provided to the resident.

The PHA will inspect each unit annually to ensure that the unit remains safe, decent, sanitary and meets local housing quality standards. If deficiencies are noted which require maintenance, a work order will be issued to correct those deficiencies.

Other inspections may be conducted by the PHA to check on preventive or cycle maintenance items. The PHA's preventive maintenance procedures are covered in greater detail in Chapter 6 of this policy.

Also, at any given time during the year, a special inspection may be scheduled to enable HUD or HUD's designated contractors to inspect a sample of the PHA housing stock.

For the aforementioned inspections, the PHA shall provide the resident with reasonable notice or at least two (2) days notice to the scheduled entry.

If any PHA employee has reason to believe that an emergency exists within the housing unit, the unit can be entered leaving a written "Notice of Entry" for the resident.

Move-Out Inspections

The PHA conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the resident is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

Chapter 5

CONTINUED OCCUPANCY

5.0 INTRODUCTION

In accordance with HUD requirements, the PHA must conduct a re-examination of the family income and household composition of all families at least annually. The results of the re-examination determine the rent amount the family will pay and whether the family is housed in the appropriate size unit. Re-certifications and interim examinations will be processed in a manner that ensures families are given a minimum of 30 days notice of any rent increases.

It is a HUD requirement that families report all income and household composition changes to the PHA.

Income limits are not applicable for continued occupancy.

5.1 ANNUAL RE-EXAM NOTICE TO THE FAMILY

The PHA will send a notice to the family scheduling an appointment for an annual re-examination if they are currently paying a formula based rent.

Families on the flat rent will only be required to go through the income re-examination process every three (3) years.

Families on the flat rent may request to have a re-examination and return to the formula based method at any time for any of the following reasons:

- The family's income has decreased;
- The family's circumstances have changed increasing their expenses for child care, medical care, etc.;
- Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

If the family fails to respond to the letter and fails to attend the interview, a second notice will be mailed. The second notice will advise the family of a new date/time for the re-exam interview. In addition, the second notice will further advise the family that failure to attend the scheduled interview will result in eviction proceedings against the family.

5.2 RE-EXAMINATION

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, PHA will determine the family's annual income and will calculate their rent as follows:

- 30% of Monthly Adjusted Income
- 10% of Monthly Income
- If the family receives (TANF) Temporary Assistance to Families with Children and a part of such payments, adjusted in accordance with the family's housing costs, is specifically designated by such agency to meet the family's housing cost, that monthly portion of such payment shall be the TTP.
- \$25.00 (minimum rent)

During the appointment, the PHA will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

The PHA will follow verification procedures and guidelines described in Chapter 3, Section 3.9 of this policy.

5.3 EFFECTIVE DATE OF RENT CHANGES

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

If the rent determination is delayed, any rent increase will be effective the first of the month after the month in which the family received a 30-day notice of the amount. If the new rent is a reduction, the rent will be effective as scheduled on the anniversary date.

5.4 INTERIM REEXAMINATIONS

During an interim re-examination, only the information affected by the changes being reported will be reviewed and verified.

Families are required to report the following changes to the PHA between regular reexaminations.

If the family's rent is being determined under the formula method, these changes will trigger an interim re-examination. The family shall report the following changes within 10 working days of their occurrence:

- ◆ There is a loss of lessee through death, divorce or continuing circumstances.
- ◆ A member has been added to the family through birth or adoption or court-awarded custody.
- ◆ A household member is leaving or has left the family unit.

In order to add a household member, other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. PHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances.

If family's income is too unstable to project for twelve (12) months, including families that temporarily have no income or have a temporary decrease in income, the PHA may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

Any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount.

If the new rent is a reduction, the change will be effective the first of the month after the rent amount is determined.

5.5 COMMUNITY SERVICE [24 CFR 960.603 - 960.611, Section 512 of 1998 Act Amending Section 12 of 1937 Act]

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement.

Exemptions

The following adult family members of tenant families are exempt from this requirement:

- ◆ Family members who are 62 or older
- ◆ Family members who are blind or disabled
- ◆ Family members who are the primary care giver for someone who is blind or disabled.
- ◆ Family members engaged in work activity, including household management
- ◆ Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work program
- ◆ Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

The PHA shall notify all public housing residents of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual re-examination on or after 10/1/99.

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

The PHA will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions.

Non-compliance with Community Service Requirement

The PHA will notify any family found to be in noncompliance of the following:

- ◆ The family member(s) has been determined to be in noncompliance;
- ◆ That the determination is subject to the grievance procedure; and

- ◆ That unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

The PHA will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

If any applicable family members does not accept the terms of the agreement and does not fulfill their obligation to participate in an economic self-sufficiency program, the PHA shall take action to terminate the lease.

5.6 TRANSFERS

Families may be transferred to another housing unit to avoid overcrowding and assist as many families as possible in available housing units. The PHA will determine that the family may require a transfer to a different size unit as the result of family composition changes (increase or decrease). The PHA will advise the family that their name will be placed on a "transfer list" and be required to move when the appropriate bedroom size unit becomes available.

The PHA may also require a family to transfer to another unit if the unit they are occupying is an accessible unit and is needed by another family with disabilities.

Transfer of a tenant from one dwelling unit owned by the PHA to another shall be at the sole discretion of the PHA and shall take precedence over admittance of applicants from the waiting list.

Persons with disabilities-accessible units.

- ◆ The accessible dwelling shall go first to current tenants who are in need of the accessible unit and second to persons with disabilities applicants in need of such dwellings.
- ◆ Tenants in need of special medical equipment or requiring special accommodations due to medical conditions shall be offered transfers when available.

In the event of transfer, the old lease shall be voided and a lease for the new unit shall be signed under the condition that any balance owed on the old unit shall become an obligation under the

new lease.

The PHA may also require a family to transfer to another unit because the unit has become unsafe or uninhabitable.

A resident may request a transfer to another unit at any time, after a one year minimum residency, by completing a “transfer request form.” The PHA will review the request and may contact the resident to better understand the need for a transfer and explore possible alternatives. After review of the situation, the PHA will either deny or approve the residents transfer request and send a written notice to the family. If the transfer is approved, the family’s name will be added to the transfer list. If the transfer is denied, the notice will advise the family of their right to an informal conference.

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

Chapter 6

MAINTENANCE

6.0 INTRODUCTION

The PHA is responsible for managing the maintenance of the public housing units in the most cost effective manner while maximizing the useful life of the properties and providing the best responsible service to residents.

6.1 OBJECTIVES

It is the objective of the PHA to maintain its housing inventory stock and equipment in a decent, safe and sanitary condition. Comprehensive and consistent application of a maintenance program is intended to protect the overall integrity and viability of public housing in the most economical way possible.

6.2 MAINTENANCE PRIORITY SYSTEM

The work priorities adopted by the PHA exemplify its philosophy of delivering maintenance services. This priority system ensures that the most important maintenance work is done at a time it can be performed most cost-effectively. Minimizing vacancy loss is part of the cost-effectiveness calculation. The maintenance priorities of the PHA are as follows:

Emergencies

Requests for maintenance service that involve **an immediate threat to life or property**, such as gas leaks, broken water **pipes, inoperable plumbing and sewer facilities, etc.** **The PHA will respond to such requests as soon as possible within 24 hours.**

Routine Maintenance

Requests for services which involve no particular urgency and which allow the Housing Authority some discretion in scheduling the work order to gain efficiency. Although usually generated by resident request, such work orders may be initiated by the PHA.

Resident Routine Request

Placing planned maintenance and vacancy preparation work ahead of resident work requests does not indicate that resident requests are unimportant. It emphasizes the importance of maintaining control of the maintenance work by performing scheduled routine and preventive work first. By doing so the Authority will decrease on-demand work and maintain the property in a manner that will keep and attract good residents.

6.3 PREVENTIVE MAINTENANCE

Preventive maintenance is performing tasks on a systematic routing basis. These tasks are predetermined and scheduled on an annual, semi-annual or quarterly basis, depending upon the priority, manufacturers specifications and seasonal considerations. The proposed maintenance planned is structured around a calendar year, with assigned tasks strategically scheduled to correspond with normal seasonal requirements. It is imperative that the tasks include all housing Authority properties to insure consistency. Strict adherence to designated time frames is important to prevent overlap into another task's time period.

There are six (6) major areas that are addressed in the initial preventive maintenance cycle. These items presently dominate routine service requests and include:

- ◆ Wall heaters and forced air furnaces
- ◆ Plumbing and water heaters
- ◆ Electrical
- ◆ Air conditioning
- ◆ Locks and hardware
- ◆ Appliances (stoves and refrigerators)

Each of these major areas has a task list which identifies specific items to be serviced, calibrated or repaired. These areas will be checked off as they are completed for that particular unit.

Information recorded will include complex number, unit number and signature block for PHA personnel. This will insure accountability for work performed and uniformity of service.

To ensure integrity of the preventive maintenance program, it is routinely monitored by PHA staff. During normal operating hours, the PHA will handle these requests with assigned PHA staff. However, after weekends, holidays or after hours, the PHA may either assign staff or require the services of a local vendor to perform the emergency maintenance task.

6.4 PREVENTATIVE PEST CONTROL

This service is to provide treatment for the elimination and control of all the usual types of household vermin and insects, including but not limited to, roaches, beetles, silverfish, ants, crickets, mice and rats in the partitions or woodwork of the PHA properties. Termites and other flying insects that require specialized treatment programs are to be determined by a licensed pest control contractor. This service is to be provided by the PHA trained personnel or by an outside licensed pest control contractor.

Once it has been determined by either the resident or the PHA that a pesticide program should be initiated, an effort should be made to have the adjoining unit scheduled for treatment of the same pest, if the building is a multi-unit dwelling. Once the PHA has scheduled a treatment, the resident should be notified in writing no later than 48 hours prior to scheduled treatment. Each resident is required to sign and receive appropriate written instructions prior to the scheduling of pest control service that stipulates the following:

- ◆ The importance of entry for scheduled work.
- ◆ The preparation of the unit for treatment of pesticides, (the removal of all articles from kitchen and bathroom cabinets, shelving and counters).
- ◆ The clearing of walls, floor and shelving in all closets, bedrooms, bathrooms, kitchen, livingroom, laundry area and hallways.
- ◆ The covering of all removed items with plastic, (food, utensils, clothing, bedding, personal hygiene items and fish tanks).
- ◆ The removal of all pets.
- ◆ The refrigerator is to be left closed.
- ◆ Entry into unit and replacement of removed items may start no sooner than 4 hours of application of pesticides, (unless otherwise stated by a Housing Authority personnel or a pest control contractor).

All grounds and buildings should be inspected a minimum of once a year. If an extraordinary infestation of pests is located and application of pesticide is required, a program should be established for treatment every 16 - 18 days corresponding with egg hatching cycles (with a minimum of two treatments). All buildings including, offices, maintenance shops, storage areas, laundry areas, community rooms and occupied dwellings are to be included in the inspections.

The pest control service primarily involves crack and crevice treatment of baseboards, closets, cabinets, shelves, medicine cabinets and appliances, and or with a fogging of the general area. The perimeter of the treated unit along with doorways and windows, are to be treated also. Where rodent activity is present, appropriate eradication methods are to be used with regular monitoring of sites.

PHA staff must comply with all state and local regulations, as well as manufacturers instructions (MSDS). The PHA is required to maintain records of pesticides used with a copy of the pesticides used in the file or each PHA employee applying pesticides and location of pesticide application. If a pesticide application is applied in a occupied unit, a copy of pesticides used should be placed in the file.

For the safety and well-being of the PHA employees, a respirator program for pesticide application shall be followed, if applicable.

Chapter 7

RESIDENT GRIEVANCE PROCEDURE

7.0 SCOPE AND PURPOSE

The purpose of this grievance procedure is to assure that residents are afforded an opportunity for a hearing if the resident disputes, within a reasonable time, and Housing Authority action or failure to act involving the resident's lease with the Authorities or Housing Authority regulations which adversely affect the individual resident's rights, duties, welfare or status. This grievance procedure is incorporated in the dwelling lease and is part thereof.

7.1 APPLICABILITY

- ◆ This grievance procedure is applicable to all individual grievances as defined in Section 3 between the resident and the Authorities, except that this procedure shall not apply to any grievance concerning an eviction or termination of tenancy based upon a resident's creation or maintenance of a threat to the health or safety of other residents or Housing Authority employees.
- ◆ This grievance procedure shall not be applicable to disputes between residents not involving the Authorities or to class grievances, nor is this procedure intended to be a forum for initiating or negotiating policy changes between a group or groups of residents and the Authorities' Boards of Commissioners.
- ◆ This grievance procedure is not applicable to cases involving termination of tenancy for any person registered as a sex offender or any person involved in any drug related activity, on or off such premises, and for any resident who is involved in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or employees of the Housing Authority.

7.2 DEFINITIONS

For the purpose of this procedure, the following definitions are applicable:

- ◆ "Grievance" shall mean any dispute which a resident may have with respect to the Authorities' action or failure to action accordance with the individual residents rights', duties, welfare or status.
- ◆ "Complaint" shall man any resident whose grievance is presented to the Authorities or at the Management office in accordance with Section 4 and 5.

- ◆ “Authorities” and “Housing Authority” shall mean the Housing Authority of the City of Fresno and/or the Housing Authority of Fresno County.
- ◆ “Hearing Officer” shall mean a person selected in accordance with Section 5 of this procedure to hear grievances and render a decision with respect thereto.
- ◆ “Hearing Panel” shall mean a panel selected in accordance with Section 5 of this procedure to hear grievances and render a decision with respect thereto.
- ◆ “Resident” shall mean any lessee or the remaining head of household of any family member residing in conventional low-rent housing accommodations operated by the Authorities.

7.3 INFORMAL SETTLEMENT OF GRIEVANCES

- ◆ Any grievance shall be personally presented either orally or in writing (telephone calls will not be accepted), to the Authorities’ main office or to the management office of the complex in which the complainant resides so that the grievance may be discussed informally and settled without a hearing. The grievance must be presented within seven (7) working days of the Authorities’ act or failure to act which is the basis of the grievance.
- ◆ A written summary of such discussion shall be prepared within seven (7) working days of the meeting, and one copy shall be given to the resident and one shall be retained in the Authorities’ resident file. The summary shall specify:
 - ◆ The names of the participants;
 - ◆ Date(s) of the meeting(s);
 - ◆ The nature of the proposed disposition of the complaint;
 - ◆ The specific reasons therefor; and
 - ◆ The procedures by which a formal hearing under Section 5 may be obtained if the complainant is not satisfied with the proposed disposition.

7.4 PROCEDURE TO OBTAIN A HEARING

- ◆ Request for Hearing. The complainant shall submit a written request for a formal hearing (telephone calls will not be accepted) to the Authorities’ main office or to the Management Office of the project in which the complainant resides, within seven (7) working days after receipt of the summary of discussion pursuant to Section 4 of this procedure. The written request shall specify:

- ◆ The reasons for the grievance; and
- ◆ The action or relief sought.
- ◆ Selection of Hearing Officer or Hearing Panel. Grievances shall be presented before a hearing officer or hearing panel. A hearing officer or hearing panel shall be selected as follows: The hearing officer shall be impartial, disinterested person selected jointly by the Authorities and the complainant. If the Authorities and the complainant cannot agree on a hearing officer, they shall each appoint a member of a hearing panel, and the members so appointed shall select a third member. If the members appointed by the Authorities and the complainant cannot agree on a third member, such member shall be appointed by an independent arbitration organization such as the Center for Dispute Settlement of the American Arbitration Association, or by any other third party agreed upon by the Authorities and the complainant.
- ◆ Failure to Request a Hearing. If the complainant does not request a hearing in accordance with this Section, then the Authorities' disposition under Section 4 shall become final. Failure to request a hearing does not constitute a waiver by the complainant of his/her right thereafter to contest the Authorities' action in disposing of the complaint in an appropriate judicial proceeding.
- ◆ Hearing Prerequisites. All grievances shall be personally presented either orally or in writing pursuant to the informal procedure prescribed in Section 4 as a condition precedent to a hearing under this section. However, if the complainant shall show good cause why he/she failed to proceed in accordance with Section 4 to the hearing officer or hearing panel, the provisions of this subsection may be waived by the hearing officer or hearing panel.
- ◆ Escrow Deposit. Before a hearing is scheduled in any grievance involving the amount of rent which the Authorities claims is due, the complainant shall pay to the Authorities an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer or hearing panel. These requirements may be waived by the Authorities in extenuating circumstances. Unless so waived, the failure to make such payments shall result in termination of the grievance procedure. However, the failure to make such payments shall not constitute a waiver of any right the complainant may have to contest the Authorities' disposition of his/her grievance in any appropriate judicial proceeding.
- ◆ Scheduling of Hearing. Upon complainant's compliance with the above paragraphs of this Section, and unless there are extenuating circumstances, a hearing shall be scheduled by the hearing officer or panel for a time not less than seven (7) working days and no more than twenty (20) working days after the complaint is received by hearing officer or hearing

panel and for a place reasonably convenient to both the complainant and the Authorities. A written notification specifying the time, place and procedures governing the hearing shall be delivered to the complainant and the appropriate Housing Authority official.

7.5 PROCEDURES

- ◆ The hearing shall be held before a hearing officer or hearing panel, as appropriate.
- ◆ The complainant shall be afforded a fair hearing providing the basic safeguards of due process which shall include:
 - ◆ The opportunity to examine before the hearing and, at the expense of the complainant, to copy all documents, records, and regulations of Authorities that are relevant to the hearing;
 - ◆ The right to be represented by counsel or other person chosen as his or her representative;
 - ◆ The right to a private hearing unless the complainant requests a public hearing;
 - ◆ The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by the Authorities or Area Management, and confront and cross-examine all witnesses on whose testimony or information the Authorities or Area Management relies; and
 - ◆ A decision based solely and exclusively upon the facts presented at the hearing.
- ◆ The hearing officer or hearing panel may render a decision without proceeding with the hearing if the hearing officer or hearing panel determine that the issue has been previously decided in another proceeding.
- ◆ If the complainant or the Authorities fail to appear at a scheduled hearing, the hearing officer or hearing panel may make a determination to postpone the hearing for not to exceed five (5) working days, or may make a determination that the party has waived his/her right to hearing. Both the complainant and the Authorities shall be notified of the determination. This determination shall not constitute a waiver of any right the complainant may have to contest the Authorities' disposition of the grievance in an appropriate judicial proceeding.
- ◆ At the hearing, the complainant must first make a showing of an entitlement to the relief sought, and thereafter the Authorities must sustain the burden of justifying the Authorities' action or failure to act against which the complaint is directed.
- ◆ The hearing shall be conducted informally by the hearing officer of the hearing panel and oral of documentary evidence pertaining to the facts and issues raised by the complaint must be received without regard to judicial proceedings. The hearing officer or hearing panel shall require the Authorities, the complainant, counsel and other participants or

spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer or hearing panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

- ◆ The complainant or the Authorities may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing.

7.6 DECISION OF THE HEARING OFFICER OR HEARING PANEL

- ◆ The hearing officer or hearing panel shall prepare a written decision, together with the reason therefor, within seven (7) working days after the hearing is concluded. A copy of the decision shall be sent to the complainant and the Authorities who shall retain copy of the decision in the resident's folder. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the Authorities and made available for inspection by a prospective complainant, his/her representative, or a hearing panel or a hearing officer.
- ◆ The decision of the hearing officer or hearing panel shall be binding on the Authorities which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Housing Authorities' Boards of Commissioners determine within twenty (20) working days, and promptly notifies the complainant of its determination, that:
 - ◆ The grievance does not concern the Authorities' action or failure to act in accordance with or involving the complainant's lease or Housing Authority regulations, which adversely affect the complainant's rights, duties, welfare or status.
 - ◆ The decision of hearing officer or hearing panel is contrary to applicable federal, state or local law, HUD regulations or requirements of the annual contributions contract and HUD and the Housing Authorities.
- ◆ A decision by the hearing officer, hearing panel or Boards of Commissioners in favor of the Authorities, or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever any rights the complainant may have de novo or judicial review in any judicial proceedings which may thereafter be brought in the matter.

7.7 HOUSING AUTHORITY EVICTION ACTIONS

- ◆ If a tenant has requested a hearing in accordance with Section 7.4 on a complaint involving a Housing Authority notice of termination of tenancy, and the hearing panel

upholds the Authorities' action to terminate the tenancy, the Authorities shall not commence an eviction action in a state or local court until it has served a notice to vacate in the resident, and in no event shall the notice to vacate be issued prior to the decision of the hearing officer or the hearing panel have been mailed or delivered to the complainant. Such notice to vacate must be in writing and specify that, if the resident fails to quit the premises within the applicable statutory period, or on the termination date stated in the notice of termination, whichever is later, appropriate action will be brought against him/her and he/she may be required to pay court costs and attorney fees.

DEFINITION OF TERMS

Adjusted Income - Annual Income less the allowances as defined in 24 CFR 913.102. Is defined as the Annual income **minus** any HUD allowable expenses and deductions

Annual Income - Income as defined in 24 CFR 913.106 Is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

Applicant - A person or a family that has applied for housing assistance.

Assets - Income from assets has always been counted toward the gross annual income of families applying for public housing. However, now, for those families whose assets exceed \$5,000, a comparison must be made between the actual and imputed income from assets. The greater of the two is now added to annual income, and is not only used for the eligibility test, but is considered with annual income in determining the rent calculation. Therefore, it is important to know what would be counted as an asset and what would not.

Include equity in land, houses, mobile homes, buildings, savings bonds, certificates of deposit, mutual funds, real estate investment trusts, money market funds, stocks, cash, savings accounts, IRA or Keogh accounts, gold or precious metals, business equipment, checking accounts to the degree where they reflect a larger amount than would regularly pass through the account in a month from usual sources of income.

Family assets do not include: furniture, including antiques, automobiles, pickup trucks, wheelchairs, or other special equipment for the persons with disabilities, household goods including silver or oriental rugs, appliances, boats, recreational vehicles and campers. Like family composition, both income and assets must be verified.

Child - A member of the family, other than the family head or a spouse, who is under 18 years of age.

Child Care Expense - As defined in 24 CFR 913.102 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 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, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

Citizen - A citizen or national of the United States. Evidence of citizenship or eligible immigration status. The documents which must be submitted to evidence citizenship or eligible immigration status.

Contract Rent - Contract rent is the actual monthly rent amount charged the resident after the allowable deductions and the utility allowance.

Dependent - As defined in 24 CFR 913.102. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a disabled person or persons with disabilities person, or is a full-time student.

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.

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.

Educational Institution - Educational institution is defined in Section 351 of the Social Security Handbook as follows:

“A school, college or university is considered an ‘education institution’ under the Act if:

- a. It is operated or directly supported by the United States, by a state or local government, or by a political subdivision of the government unit.
- b. It has been approved by a state or accredited by a state-recognized or nationally-recognized accrediting agency.
- c. It is unaccredited, but its credits are accepted on transfer by at least three accredited institutions on the same basis as if the credits had been transferred from an accredited institution.”

Under this definition are included public and private high schools, trade or vocational schools, and colleges and universities which meet the requirements of either a, b, or c, above.

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.

Eligible Immigration Status - A non-citizen lawfully admitted to the U.S. either as a permanent or a temporary resident.

Extremely Low-Income Family - A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Family - Includes but is not limited to:

- (1) 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;
- (3) A near-elderly family;
- (4) A disabled family;
- (5) A displaced family;
- (6) The remaining member of a tenant family;
- (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; and
- (8) Other persons who live regularly as a part of the family group (including members of the family temporarily absent) whose income and resources are available for use in meeting the living expenses of the group may also be considered as part of a family.

Family Income - Total Gross Family Income means income before deductions from all sources of the head of household or spouse, and each additional member of the family residing in the household who is at least 18 years of age, with the exception of full-time students who are not employed. Total gross family income shall include that portion of the income of the head of household or spouse temporarily absent which, in the determination of the Housing Authority, is (or should be) available to meet the family's needs.

Total Gross Family Income includes, but is not limited to, the following:

1. The full amount, before any payroll deduction, of wages and salaries, including

compensation for overtime and other compensation for personal services (such as commissions, fees, tips and bonuses from anyone 18 years of age or older).

2. Net income from operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine net income from a business.)
3. Interest, dividends and net income of any kind from real or personal property.
4. The full amount received from annuities, periodic payments from insurance policies, retirement income, pensions, periodic benefits for disability or death, and other similar types of periodic receipts.
5. Payments in lieu of earnings such as unemployment and disability compensation, Social Security benefits, Worker's Compensation and dismissal wages.
6. Welfare assistance payments.
7. Periodic and determinable allowances, such as alimony and regular contributions or gifts including amounts received from any persons not residing in the dwelling.
8. All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances, allowances for dependents, etc.) received by a member of the armed forces.
9. Actual income derived from assets valued over \$5,000, or a percentage of the value of assets based on the current passbook savings rate as determined by HUD.

Deductions - Total Family Income less deductions and exemptions specified below which are anticipated during the 12-month period for which Total Family Income is estimated. Deductions and expenses include:

1. A deduction for extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent (3%) of the total Family Income, **ONLY IF THE FAMILY QUALIFIES AS AN ELDERLY OR DISABLED FAMILY**, when such expenses are not compensated for or covered by insurance.
2. A family that has a persons with disabilities or disabled member (other than the head or spouse), may deduct Persons with disabilities Assistance Expenses in excess of three percent (3%) of Annual Income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the persons with disabilities or disabled person.
3. A deduction of amounts paid by the family for the care of children is available only for

dependents who are under the age of 13, and where such care is necessary to further the education of a family member or for the employment of a family member.

4. An exemption of \$480 for each member of the family residing in the household (other than the head or spouse) who is under 18 years of age, or who is a dependent 18 years of age or older and is disabled, persons with disabilities, or a full-time student. No person in the family shall be entitled to more than one exemption.
5. A deduction of \$400 for an Elderly or Disabled Family. (See definition of Elderly or Disabled Families.)

Exclusions - Annual Income does not include the following:

1. Income from employment of children (including foster children) under the age of 18.
2. Payments received for the care of foster children.
3. Temporary, non-recurring, or sporadic income and amounts which are specifically received for, or are a reimbursement of, the cost of illness or medical care.
4. Lump sum additions to family assets such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and Worker's Compensation, capital gains, lottery proceeds, and settlements for personal or property losses.
5. Amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the government to a veteran for use in meeting the cost of tuition, fees, books, supplies and transportation to the extent that such amounts are so used. (Any amounts available for subsistence are to be included in Total Family Income.) This exclusion is applicable to all part-time students and full-time students. Income from student loans, regardless of what such income is used for, is excluded in the computation of the Total Family Income.
6. Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
7. The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1964.
8. Payments received by participants or volunteers in programs pursuant to the Domestic Volunteer Service Act of 1973. National Volunteers Anti-poverty Programs, Vista, Service Learning Programs, University Year for Action, Special Volunteer Programs, National Older American Volunteer Programs, Retired Senior Volunteer Program, Foster

Grandparent Program, Older American Community Service Programs, National Volunteer Programs to Assist Small Business and Promote Volunteer Service by Persons With Business Experience, Service Corps of Retired Executives (SCORE), Active Corps of Executive (ACE).

Full-Time Student - A person who is attending school or vocational training on a full time basis. (Full-time basis is considered full time for day students under the standards and practices of the educational institution attended.)

Gross Rent (Total Tenant Payment) - The rent as determined by the Housing Authority after the proper deductions have been allowed (e.g., 30% of adjusted income).

Persons with disabilities Person - A person having a physical or mental impairment which:

1. Is expected to be a long-continued and indefinite duration.
2. Substantially impedes his or her ability to live independently.
3. Is of such a nature that such ability could be improved by more suitable housing conditions.

Head of Household - The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Income - Includes all monetary amounts which are received on behalf of the family. For purposes of calculating the Total Tenant Payment HUD defines what is to be calculated and what is to be excluded in the federal regulations.

Income of Live-In Persons - Income of persons who “live in” to provide care for a sick or incapacitated family member shall be included if his or her income is available to the family, and if the person is expected to contribute toward the family’s support. In such cases, only that part of their income which is over and above wages paid by the family shall be included. If these wages are deducted by the family as an unusual medical expense, then the entire amount of income of the “live in” caretaker shall be included. In this type of situation, the “live in” person is entitled to residual rights.

Conversely, if the person is not expected to, and does not, contribute to the family’s support, his or her income should not be counted. However, the Head of the Household must then submit a doctor’s certificate or such other certification as may be deemed necessary stating that this employment is necessary to the care and well-being of the sick or incapacitated family member, or to enable another family member to seek or obtain employment outside the home. If the family pays out of pocket for the care provided, such payments may be deducted as unusual expenses if family qualifies as an elderly family.

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.

Lower Income Family - A family whose annual income does not exceed 80% of median income as set by HUD's annual income limits for the area.

Medical Expenses - See Family Income; Deductions.

Military or Naval Services of the United States - Military or Naval Services of the United States means only the Army, Navy, Air Force, Marine Corps, and Coast Guard. Such service does not include Merchant Marine, Red Cross, or any other organization not actually part of the Military of Naval Services of the United States.

Minimum Rent - Minimum total tenant payment (TTP) and not a minimum tenant rent (TR). The PHA has established **\$25** as a minimum rent amount. A family paying its own utilities would be entitled to a utility allowance deduction only if the Utility Allowance were greater than \$25.

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

Minor - A person less than 18 years of age, except that a family head or spouse shall not be considered a minor. (An unborn child shall not count as a minor.)

Monthly Adjusted Income - One-twelfth of Adjusted Income.

Monthly Income - One-twelfth of Annual Income.

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.

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

Non-citizen Student Family - A non-citizen student who is admitted to the U.S. solely for the

purpose of attending school. It includes the non-citizen spouse and children (regardless of the citizenship status of the children).

Pro-Rated Assistance - Assistance based upon the number of family members with eligible immigration status (i.e., given 2 families with equal members, a family with more eligible members would receive more assistance than a family with less eligible members.)

Resident - An individual or a family renting and occupying a public housing dwelling unit.

Residual Member of a Resident Family - An individual remaining in a unit when other member(s) of the family have moved or deceased, unless this individual was an unrelated member of the former family, or who was necessary to care for the well being of an elderly, disabled or persons with disabilities head of household or spouse, and whose income was not counted for eligibility purposes. The remaining member must have been included as a member of the family on the most recent certification. This designation applies more for continued occupancy than for eligibility.

Tenant Rent - The amount payable monthly by the family as rent to the unit.

Utilities - Utilities are defined as water, electricity, gas, refrigeration and cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

Very Low Income - A family whose annual income does not exceed 50% of median income as set by HUD's annual income limits for the area.

APPENDIX 2

SCHEDULE OF INCOME LIMITS

<u>Family Size (Number of Persons)</u>	<u>Maximum Income Limits For Admission in Terms of Family Income</u>	<u>Income Limits to Designate Very Low Income Families in Terms of Total Family Income</u>
1	\$ 20,850	\$ 13,000
2	23,800	14,900
3	26,800	16,750
4	29,750	18,600
5	32,150	20,100
6	34,500	21,600
7	36,900	23,050
8	39,300	24,550

APPENDIX 3

UTILITY ALLOWANCE SCHEDULE

PUBLIC HOUSING

<u>Bedroom Size</u>	<u>Allowance</u>
0	\$ 23
1	30
2	36
3	42
4	48
5	58

APPENDIX 4

<i>Housing Authority of the City & County of Fresno</i>	
<i>Schedule of Flat Rents for Public Housing</i>	
0 Bedroom	\$210
1 Bedroom	\$309
2 Bedroom	\$390
3 Bedroom	\$504
4 Bedroom	\$573
5 Bedroom	\$753

APPENDIX 5

SCHEDULE OF MAINTENANCE CHARGES

Public Housing

1/4 hour	\$ 4.50	labor only
1/2 hour	\$ 9.00	labor only
3/4 hour	\$13.50	labor only
1 hour	\$18.00	labor only

To the above labor charges will be added the cost of materials, sales tax and 15 % overhead.

ADMINISTRATIVE PLAN
FOR THE
SECTION 8 CERTIFICATE AND VOUCHER PROGRAMS

Approved on: April 26, 1999

Submitted to HUD: May 6, 1999

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Certificate and Voucher Programs, are described in and implemented through this Administrative Plan.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority (HA) staff shall be in compliance with the HA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the HA is the City of Fresno and Fresno County.

B. HOUSING AUTHORITY OVERVIEW

The primary objective of the City and County of Fresno Housing Authorities is to provide decent, safe and sanitary housing to low income families at an affordable price. Our goal is to provide this housing within an environment that fosters the advancement of low income families from a position of dependency to one of self-sufficiency. Overall, the Housing Authority owns, manages or provides assistance to more than 30,000 persons living in 9,300 housing units in Fresno County.

The City and County Housing Authorities function as separate public agencies with separate governing bodies. Through a unique arrangement, the two Housing Authorities share a single Executive Director and staff, thus making it possible to draw on a more comprehensive staff while realizing the cost advantages that result from avoiding duplication, ordering in larger quantities, and sharing equipment and services. Both Housing Authorities are public housing

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agencies as defined in the United States Housing Act of 1937, as amended, and in 24 C.F.R. Chapter VIII. Both agencies have been organized under Section 31000, et a seq., of the California Health and Safety Code.

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The Housing Authority of the City of Fresno and the Housing Authority of Fresno County are each governed by seven-member Boards of Commissioners. The City Board is appointed by the Mayor. Five of the seven commissioners are appointed to four-year, staggered terms. The other two members are appointed to two-year terms from among the residents of housing owned by the Housing Authority. The County Board of Commissioners is structured in the same manner, except that the County Commissioners are appointed by the Board of Supervisors.

B. LOCAL OBJECTIVES [24 CFR 982.1]

The Section 8 Program is designed to achieve *these* major objectives:

- 1. To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.**
- 2. To ensure that all units meet Housing Quality Standards and families pay fair and reasonable rents.**
- 3. To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.**
- 4. *To promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low income families.***

In addition, the HA has the following goals for the program:

- 1. To assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.**
- 2. To encourage self sufficiency of participant families and *assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.***
- 3. *To create positive public awareness and expand the level of family, owner, and community support in accomplishing the HA's mission***
- 4. *To attain and maintain a high level of standards and professionalism in our day-to-day management of all program components.***
- 5. *To administer an efficient, high-performing agency through continuous improvement of the HA's support systems and commitment to our employees***

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and their development.

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C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives. The Plan covers both admission and continued participation in the Certificate/Voucher programs. Policies are the same for both programs unless otherwise noted.

The HA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the Board of Commissioners of the agency *or the Executive Director* and a copy provided to HUD.

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

*All expenditures from the administrative fee reserve will be approved by the HA Board of Commissioners **or the Executive Director** and made in accordance with the approved budget.*

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the HA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

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F. TERMINOLOGY

The Housing Authorities of the City & County of Fresno is referred to as "HA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 programs are also known as the Regular Certificate, OFTO Tenancy and Voucher Programs.

"HQS" means the Housing Quality Standards required by regulations as enhanced by the HA.

"Failure to Provide" refers to all requirements under the Family Obligation. See Chapter 15, "Denial or Termination of Assistance."

See Glossary for other terminology.

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G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of the Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The HA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family *or marital* status, handicap or disability, or *sexual orientation*.

To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide Federal/State/local information to Certificate and Voucher holders regarding "discrimination" and any recourse available to them if they are victims of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Certificate and Voucher holder's briefing packet.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the HA's facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the HA's office in such a manner as to be easily readable from a wheelchair.

The **Housing Authorities of the City and County of Fresno's** *central* office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the ***TDY telephone service provider***.

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H. ACCOMMODATIONS POLICY [24 CFR 700.245(c)(3)]

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the HA, when the HA initiates contact with a family including when a family applies, and when the HA schedules or reschedules appointments of any kind.

It is the policy of this HA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families

Persons with Disabilities [24 CFR 982.153(b)(6)]

The HA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on HA forms and letters to all families, and all requests will be verified so that the HA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

1. *With respect to an individual, the term "disability" means:*
 - *A physical or mental impairment that substantially limits one or more of the major life activities of an individual;*
 - *A record of such impairment; or*
 - *Being regarded as having such an impairment*
2. *Those "regarded as having such an impairment" may include those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.*
3. *Individuals with contagious diseases who do not pose a direct threat to others are covered by the Act. AIDS victims and those who test positive for the HIV virus are considered to have a disability.*
4. *An individual who has an infectious or communicable disease that is transmitted to others through the handling of food, the risk of which cannot be eliminated by reasonable accommodation, may be refused an assignment or a continued assignment to a job involving food handling. The Secretary of Health and Human Services annually will publish a list of those ideas that are transmitted through food handling.*
5. *Rehabilitated alcohol and drug users are considered to be persons with disabilities for*

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purposes of the Act. However, current alcohol and drug users can be held to the same qualification standards for job performance as other employees.

Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for the HA, meaning an action requiring "significant difficulty or expense". This standard is not specifically defined in the Act.

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

The nature and cost of the accommodation needed;

The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and

The number of persons employed at such facility, the number of families likely to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

Verification of a Request for Accommodation

All requests for accommodation or modification will be verified with a reliable knowledgeable, professional.

The Housing Authority utilizes organizations which provide assistance for hearing- and sight-impaired persons when needed.

A list of accessible units will be provided.

The HA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

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I. TRANSLATION OF DOCUMENTS

The Housing Authority has bilingual staff to assist non-English speaking families in Spanish and translates documents into Spanish.

In determining whether it is feasible to provide translation of documents written in English into other languages, the HA will consider the following factors:

Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.

Estimated cost to HA per client of translation of English written documents into the other language.

The availability of local organizations to provide translation services to non English speaking families.

Availability of bi-lingual staff to provide translation for non-English speaking families.

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J. MANAGEMENT ASSESSMENT OBJECTIVES

The HA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the HA is using its resources in a manner that reflects its commitment to quality and service. The HA policies and practices are consistent with the goals and objectives of the following HUD SEMAP indicators.

- 1. Selection from the Waiting List*
- 2. Reasonable Rent*
- 3. Determination of Adjusted Income*
- 4. Utility Allowance Schedule*
- 5. HQS Quality Control Inspections*
- 6. HQS Enforcement*
- 7. Expanding Housing Opportunities*
- 8. FMR/exception rent & Payment Standards*
- 9. Annual Re-examinations*
- 10. Correct Tenant Rent Calculations*
- 11. Pre-Contract HQS Inspections*
- 12. Annual HQS Inspections*
- 13. Lease-up*
- 14a. Family Self-Sufficiency Enrollment*
- 14b. Percent of FSS Participants with Escrow Account Balances*
- 15. Bonus indicator (Deconcentration)*

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K. RECORDS FOR MONITORING HA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the HA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the HA's operational procedures objectively and with accuracy.

Records and reports will be maintained for the purpose of:

Demonstrating that at least 98% of families were selected from the waiting list in accordance with the Admin Plan policies and met the correct selection criteria.

Determining that at least 98% of randomly selected tenant files indicate that the HA approved reasonable rents to owner at the time of initial lease-up and before any increase in rent and at the anniversary date (if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary).

Monitoring HA practices for obtaining income information, proper calculation of allowances and deductions, and utility allowances used to determine adjusted income for families.

Demonstrating that the HA has analyzed utility rates locally to determine if there has been a change of 10% or more since the last time the utility schedule was revised.

Determining that during the fiscal year the HA performs supervisory HQS quality control inspections for at least 5% of all units under contract.

Determining that a review of selected files indicate that for 100% of life-threatening fail items and for at least 98% of nonemergency items which failed inspection, the HA ensures timely correction of HQS deficiencies or abates HAPs or takes vigorous action to enforce family obligations.

Demonstrating that the HA provides families and owners information which actively promotes the deconcentration of assisted families in low-income neighborhoods.

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Demonstrating that at least 98% of units newly leased have an initial gross rent which does not exceed the FMR, aside from OFTO tenancies; and Voucher payment standards are not less than 80% of the current FMR/exception rent limit unless otherwise approved by HUD.

Demonstrating that 96-100% of reexams are processed on time.

Demonstrating that less than 2% of all tenant files have rent calculation discrepancies.

Demonstrating that not less than 98% of newly leased units passed HQS inspections before HAP contract date.

Demonstrating that the HA performs annual HQS inspections on time for 96 - 100% of all units under contract.

Demonstrating that the HA leases 99 - 100% of budgeted units during the fiscal year.

Determining that the HA has filled 80 -100% of its FSS slots

Demonstrating that at least 30% of the HA's FSS participants have escrow account balances.

In addition to the SEMAP factors above to ensure quality control, supervisory staff audit the following functions:

5% of reexaminations

5% of new applications

5% of claims processed

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L. PRIVACY RIGHTS [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The HA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential". The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by a supervisor.

The HA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.

HA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

All files must be signed for when removed from the secured file storage area.

M. FAMILY OUTREACH [24 CFR 982.153(b)(1)]

The HA will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the HA's waiting list is open, the HA will publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, minority media, and by other suitable means. Notices will also be provided in **Spanish**.

To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The HA will also utilize public service announcements.

The HA will communicate the status of housing availability to other service providers in the community, advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

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N. OWNER OUTREACH [24 CFR 982.54(d)(5), 982.153(b)(1)]

The HA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families. The HA maintains a **list of units available** for the Section 8 Program and updates this list at least **weekly**. When listings from owners are received, they will be compiled by the HA staff by bedroom size.

*The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low income households. The lists of **units** will be **provided at the front desk** and **provided at briefings**.*

The staff of the HA initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is offered to acquaint owners and managers with the opportunities available under the program.

The HA has active participation in a community based organization(s) comprised of private property and apartment owners and managers.

The Housing Authority will actively recruit suburban property owners and grant exception rents for accessible and suburban properties if the HA has jurisdiction in that area.

*The HA encourages program participation by owners of units located outside areas of poverty or minority concentration. The HA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. **The purpose of these activities is to provide more choice and better housing opportunities to families. Certificate and Voucher holders are informed of the full range of areas where they may lease units inside the HA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration .***

The HA works with a nonprofit agency through the regional counseling program who contacts other in the area, identifies families in the program, and counsels the families on their prospective move and services available in the areas in which the family is interested.

The HA conducts *periodic* meetings with participating owners to improve owner relations and to recruit new owners.

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Chapter 2

ELIGIBILITY FOR ADMISSION **[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]**

INTRODUCTION

This Chapter defines both HUD's and the HA's criteria for admission and denial of admission to the program. The policy of this HA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The HA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the HA pertaining to their eligibility.

Eligibility Factors

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the HA.

The HUD eligibility criteria are:

- An applicant must be a "family"
- An applicant must be within the appropriate Income Limits
- An applicant must furnish Social Security Numbers for all family members age six and older
- **An applicant must furnish *Declaration of Citizenship/Eligible Immigrant Status and verification where required.***

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a Certificate or Voucher, unless the HA determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list.

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A. FAMILY COMPOSITION [24 CFR 5.403, 982.201]

The applicant must qualify as a Family. A Family may be a single person or a group of persons. A group of persons may be:

Two or more persons who intend to share residency whose income and resources are available to meet the family's needs .

Two or more elderly or disabled persons living together, or one or more elderly, near elderly or disabled persons living with one or more live-in aides is a family.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A single person may be:

- An elderly person
- A displaced person
- A person with a disability
- Any "other single" person

Head of Household

The head of household is the **adult** member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. **Emancipated minors who qualify under State law will be recognized as head of household.**

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Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aide:

- Is determined by the HA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
- The live-in aide must be required on a "full-time basis" as deemed by a licensed physician.
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. Live-in aides are not subject to Non-Citizen Rule requirements.
3. Live-in aides may not be considered as a remaining member of the tenant family.

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Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

A Live-in Aide may only reside in the unit with the approval of the HA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

Verification must include the hours the care will be provided.

At any time, the HA 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 HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.*

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Split Households Prior to Certificate/Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the HA will make the decision taking into consideration the following factors:

- 1. Which family member applied as head of household.**
- 2. Which family unit retains the children or any disabled or elderly members.**
- 3. Restrictions that were in place at the time the family applied.**
- 4. Role of domestic violence in the split.**
- 5. Recommendations of social service agencies or qualified professionals such as children's protective services.**

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the HA.

In cases where domestic violence played a role, the standard used for verification will be the same as that required for the "displaced due to domestic violence" preference.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

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B. INCOME LIMITATIONS [24 CFR 982.201, 982.353]

With respect to Section 8 tenant-based assistance, for each fiscal year, not less than 75% of its new admissions must have incomes at or below 30% of the area median income.

In order to be eligible for assistance, an applicant must be either:

- A very low-income family; or
- A low-income family in any of the following categories:
 - A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within **90** days of certificate/voucher issuance. Programs include public housing, all Section 8 programs, all Section 23 programs.
 - A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
 - A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
 - A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
 - A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.
 - A low-income family residing in a HUD-owned multifamily rental housing project when the project is sold, foreclosed or demolished by HUD. (Certificate program only.)

To determine if the family is income-eligible, the HA compares the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

Single jurisdiction HAs: The applicable income limit to be used at initial issuance of a certificate or voucher is the income limit of the HA.

Multijurisdictional HAs: *The applicable income limit used for initial issuance of a certificate or voucher is the highest income limit with the HA's jurisdiction.*

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For admission to the program (initial lease-up), the family must be within the very low income limit of the jurisdiction where they want to live.

Portability: For initial lease-up, families who exercise portability must be within the very low- income limit for the jurisdiction of the receiving HA in which they want to live.

Participant families who exercise portability, and request or require a change in their form of assistance, must be within the low income limit of the receiving HA if they are to receive the alternate form of assistance.

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C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations are not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

E. SUITABILITY OF FAMILY [24 CFR 982.202(b)(1)]

The HA will take into consideration any of the criteria for admission in Chapter 15, but may not otherwise screen for factors which relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

The HA will advise families how to file a complaint if they have been discriminated against by an owner. The HA will advise the family to make a Fair Housing complaint. The HA could also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

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F. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between placement on the waiting list and issuance of a certificate or voucher may affect the family's eligibility or Total Tenant Payment. For example, if a family goes over the income limit prior to lease up, the applicant will not continue to be eligible for the program. They will be notified in writing of their ineligible status and their right to an informal review.

G. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status. See Chapter 19, "Complaints and Appeals" for additional information about reviews and hearings.

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Chapter 3

APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

The policy of the HA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the HA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application taking is to permit the HA to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any of the HA's programs must complete a written application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

The application process will involve two phases. The first is the "initial" application for assistance (referred to as a preapplication). This first phase results in the family's placement on the waiting list.

The second phase is the "final determination of eligibility" (referred as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the HA ensures that verification of all HUD and HA eligibility factors is current in order to determine the family's eligibility for the issuance of a certificate or voucher.

B. OPENING/CLOSING OF APPLICATION TAKING [24 CFR 982.206, 982.54(d)(1)]

The HA will utilize the following procedures for opening the waiting list.

When the HA opens the waiting list, the HA will advertise through public notice in the following newspapers, *minority publications and media entities, location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other*

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media including:

The Fresno Bee, Vida En El Valle, Channel 21 (Spanish speaking) and Channel 18

The public notice is mailed to about 200 organizations listed in the Fresno County Resource Directory. In addition, the information is published in a newsletter by the Fresno Housing County Information and Referral Network. Examples of organizations contacted are:

**Homeless shelters
Lao Center
CSU Fresno
Center for Independent Living
Hmong Women's Federation
Evangel Home
Emergency housing**

The notice will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken.
- A brief description of the program.
- A statement that public housing residents must submit a separate application if they want to apply for section 8.
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the HA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of preferences, if any.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

Closing the Waiting List

The HA may *stop applications* if there are enough applicants to fill anticipated openings for the next **24** months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with

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applicable civil rights laws.

The HA will announce the closing of the waiting list by public notice.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next **24** months. The HA will give at least **30 calendar days'** notice prior to closing the list. When the period for accepting applications is over, the HA will add the new applicants to the list.

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Limits on Who May Apply

When the waiting list is open,

Any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

When the application is submitted to the HA:

It establishes the family's date and time of application for placement order on the waiting list.

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C. "INITIAL" APPLICATION PROCEDURES [24 CFR 982.204(b)]

The HA will utilize a preliminary-application form (pre-application). The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The purpose of the preapplication is to permit the HA to *preliminarily assess family eligibility or ineligibility* and to determine placement on the waiting list. The preapplication will contain questions designed to obtain the following information:

- Names of adult members and age of all members
- Sex and relationship of all members
- Street Address and phone numbers
- Mailing Address (If PO Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information regarding disabilities *to determine qualifications for allowances and deductions*
- Information related to qualification for preferences
- Social Security Numbers
- Race/ethnicity
- **Citizenship/eligible immigration status**
- **Arrests/convictions for drug-related or violent criminal activity**
- Request for Specific Accommodation needed to fully utilize program and services
- **Previous address**
- **Current and previous landlords names and addresses**
- **Emergency contact person and address**
- **Program integrity questions regarding previous participation in HUD programs**

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Ineligible families **will** be placed on the waiting list.

Preapplications **will not** require an interview. The information on the application **will not** be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

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D. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

Applicants are required to inform the HA in writing of changes in family composition, income and address. Applicants are also required to respond to requests from the HA to update information on their application, or to determine their continued interest in assistance. Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list. See Chapter 19, “Complaints and Appeals.”

E. TIME OF SELECTION [24 CFR 982.204, 5.410]

When funding is available, families will be selected from the waiting list based on date and time sequence, regardless of family size.

When there is insufficient funding available for the family at the top of the list, the HA will not admit any other applicant until funding is available for the first applicant. Applicants will not be passed over on the waiting list.

Based on the HA's turnover and the availability of funding, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on waiting list sequence.

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F. COMPLETION OF A FULL APPLICATION

All preferences claimed on the preapplication or while the family is on the waiting list will be verified:

After the family is selected from the waiting list, and prior to completing the full application.

After the preapplication is pulled, when the HA is ready to select applicants, applicants will be required to:

Complete a full application in their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. Applicant will then be interviewed by HA staff to review the information on the full application form.

The full application will be mailed to the applicant in advance to complete.

Requirement to Attend Interview

The HA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other HA services or programs which may be available.

Exceptions may be made for students attending school out of state/for members for whom attendance would be a hardship.

The head and spouse may both required to attend the interview.

It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule or misses one scheduled meeting, the HA will reject the application.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than 2 days prior to the original appointment date.

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Reasonable accommodation will be made for persons with a disability who requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See Chapter 19, "Complaints and Appeals.")

All adult members must sign the HUD Form 9886, Release of Information, **the application**, the declarations and consents related to citizenship/immigration status and any other documents required by the HA. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and releases as required by the HA.

If the HA determines at or after the interview that additional information or document(s) are needed, the HA will request the document(s) or information **in writing**. The family will be given **10 calendar** days to supply the information.

If the information is not supplied in this time period, the HA will provide the family a notification of denial for assistance. (See Chapter 19, "Complaints and Appeals.")

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in Chapter seven. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of Certificate/Voucher.

H. SELECTION OF CERTIFICATE OR VOUCHER [24 CFR 982.205(c)(2)]

The HA provides an explanation of the differences between the Regular Certificate program, ***the Over the Fair Market Rent Tenancy Option (OFTO)***, and the Voucher programs **orally and in writing**.

The criteria for granting OFTO tenancies and the availability of such tenancies are also explained. The applicant is then asked to specify which type of assistance they would prefer, a certificate or a voucher, and also to indicate *whether they would accept an alternate form of assistance.*

[Effective August 12, 1999 the HA may only enter into HAP Contracts under the Housing Choice Voucher Program.](#)

The family must decide on which form of assistance (Certificate or Voucher) they prefer within **5 working** days of the notification. If the form of assistance preferred is available, it will be offered to the

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applicant.

If there is no response to the request for a decision, or funding for the form of assistance preferred is not available, and the family has indicated they would accept the other form of assistance, the HA will offer whatever form of assistance is available.

The applicant may refuse the first form of assistance offered and retain their place on the waiting list until the other form of assistance is available. If the applicant then refuses the other form of assistance, they will be rejected and their name removed from the waiting list. See Chapter 19, "Complaints and Appeals".

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I. SELECTION OF APPLICANTS/PARTICIPANTS FOR OFTO TENANCIES

[24 CFR 982.506]

The HA may grant up to 10 percent of the incremental certificates as OFTO tenancies. OFTO tenancies will be granted only to families where the HA has determined that the family's share of rent will be affordable. If the family's share of rent is affordable, they will be selected on a first-come first-served basis with no other preference within each of the following categories. Any family in the first category will receive an OFTO tenancy before any family in the next category and so forth.

When needed by a family as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Families who select units over the FMR/exception rent, where the units are located outside of high poverty areas. High poverty areas are identified on maps provided in the briefing packet.

Family Affordability Criteria for OFTO Tenancy [24 CFR 982.506(b)(2)]

The HA will complete a family income and expense table with the family's help, using actual costs where available, and standard costs where actual costs are unavailable. Expenses will include a standard contingency amount for emergencies. The HA will not verify expenses for the family. If income exceeds expenses, the family will be considered eligible for an OFTO tenancy, provided that the family rent does not exceed 40% of the family's monthly adjusted income.

J. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

[24 CFR 982.201]

After the verification process is completed, the HA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the HA, and the current eligibility criteria in effect. If the family is determined to be eligible, the HA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a certificate or voucher and the family's orientation to the housing program.

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Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST **[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]**

INTRODUCTION

It is the HA's objective to ensure that families are placed in the proper order on the waiting list *and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.*

By maintaining an accurate waiting list, the HA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

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A. WAITING LIST [24 CFR 982.204]

Except for Special Admissions, applicants will be selected from the HA waiting list in accordance with policies and preferences defined in this Administrative Plan.

*The HA will maintain information that permits proper selection from the waiting list.
The waiting list contains the following information for each applicant listed:*

- *Applicant Name*
- *Family Unit Size (number of bedrooms family qualifies for under HA subsidy standards)*
- *Date and time of application*
- *Qualification for any ranking or local preference*
- *Racial or ethnic designation of the head of household*
- *Targeted program qualifications*

The waiting list will be maintained in accordance with the following guidelines:

1. The application will be a permanent file.
2. The order of selection is based on the date and time of application. Applications equal in preference will be maintained by date and time sequence.
3. *In accordance with the Quality Housing and Work Responsibility Act of 1998, the HA will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30% of the area median income. In addition to HUD required income targeting, the HA will use the following system for selecting eligible applicants from the waiting list.*

Under the singles rule, elderly and disabled families and displaced singles of up to but not more than two persons will always be selected before other singles without regard to preference status.

Special Admissions [24 CFR 982.54(d)(e), 982.203]

Applicants who are admitted under *Special Admissions*, rather than from the waiting list, **are identified by codes in the automated system and are maintained on separate lists.**

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B. WAITING LIST PREFERENCES [24 CFR 982.207]

Applications will be ordered by the date and time they are received by the HA along with the local preferences outlined in Section C below.

Types of Applicants With Preference Over "Other Singles" [24 CFR 5.405(b)]

Per HUD requirements, elderly, disabled and displaced families with up to two members will be given a preference over all "Other Single" applicants.

"Other Singles" denotes a one-person household in which the individual member is not elderly, disabled, or displaced by government action. Such applicants will be placed on the waiting list in accordance with their *date and time of applications*, but cannot be selected for admission before any elderly family, disabled family or displaced single family regardless of any preferences.

C. LOCAL PREFERENCE CATEGORIES [24 CFR 5.420-5.430]

The Federal Preferences are repealed by the 1998 Act (24 CFR 960.204, 960-407, Sections 514 and 545 of the 1998 Act amending Sections 6 and 8 of the 1937 Act).

The waiting list will be ordered according to date and time of application along with the following local preferences

2. The PHA will extend a local preference to families who are displaced as the result of government action or victims of domestic violence. Displaced person(s) are individuals or families displaced by government action or whose dwelling has been extensively damaged or destroyed as the result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws.
3. The PHA will extend a local preference to families who are working, have an established work history or are currently enrolled in a job training program. Applicants with an adult family member enrolled in an employment training program, currently working, or attending school on a full-time basis will be given preference.
4. The PHA will provide a state (California) preference to all applicants who are eligible as U.S. Veterans.

For applicants with more than one preference, the date and time of the PHA's receipt of their application shall be the tie-breaker in determining placement on the wait list.

The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences.

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Notwithstanding the above, families who are elderly, disabled, or displaced will be offered housing before other single persons.

E. RANKING PREFERENCES [24 CFR 5.410, 5.415]

Ranking preferences are used to prioritize applicants within the local preferences.

Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2, and preference 2 families will be offered housing before any families in preference 3.

F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CFR 5.415]

In order to ensure the accuracy and completeness of the applicant's file, applicants claiming a local preference shall provide verification as a part of the formal application process.

Applicants claiming a state "veteran's" preference shall provide verification by the following:

- * DD-214
- * Discharge papers
- * Current military document showing military status
- * Written documentation from the Veteran's Administration

Applicants claiming a "working" preference shall provide verification by the following:

- * Written statement from employers or copies of check stubs
- * Written statement from job training programs or trade school
- * State Unemployment verification
- * Income tax records

Applicants claiming a "displaced / domestic violence" preference shall provide verification by the following:

- * Written letter / statement from public agency or community service organization
- * Written statement from a medical professional or law enforcement agency

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F. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards an HA program funding that is targeted for specifically named families, the HA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The HA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end
5. A non-purchasing family residing in a *HOPE 1* or *HOPE 2* project.

G. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are maintained on separate waiting lists.

The HA has the following "Targeted" Programs:

**Family Unification
Beyond Housing**

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H. PREFERENCE ELIGIBILITY [24 CFR 5.410]

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the HA in writing when their circumstances change.

When an applicant claims an additional preference, s/he will be placed on the waiting list in the appropriate order determined by the newly-claimed preference.

Cross-Listing of Public Housing and Section 8 [24 CFR 982.205(b)]

The HA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the HA must offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the HA must offer to place the family on the public housing waiting list.

The HA will merge its waiting lists for the Certificate/Voucher programs with the Section 8 Moderate Rehabilitation program.

I. FINAL VERIFICATION OF PREFERENCES [24 CFR 5.415]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the HA will:

Obtain necessary verifications of preference at the interview and by third party verification.

J. PREFERENCE DENIAL [24 CFR 5.415]

If the HA denies a preference, the HA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for **an informal meeting**. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List.

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K. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The waiting list will be purged **as needed** by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If the family has refused both forms of assistance, a Certificate and a Voucher, their name will be removed from the waiting list.

Any mailings to the applicant which require a response will state that failure to respond will result in the applicant's name being dropped from the waiting list.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If the applicant did not respond to the HA request for information or updates because of a family member's disability, the HA will reinstate the applicant in the family's former position on the waiting list.

*An extension of **30 calendar days** to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.*

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Chapter 5

SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that HA's establish subsidy standards for the determination of Regular Certificate Tenancy, *OFTO Tenancy*, and Voucher bedroom size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the Regular Certificate Tenancy, *OFTO Tenancy*, or Voucher size also must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards which will be used to determine the Certificate/Voucher size for various sized families when they are selected from the waiting list, as well as the HA's procedures when a family's size changes, or a family selects a unit size that is different from the Certificate or Voucher.

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A. DETERMINING CERTIFICATE/VOUCHER SIZE [24 CFR 982.402]

The HA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Certificate or Voucher. The HA's subsidy standards for determining Certificate/Voucher size shall be applied in a manner consistent with Fair Housing guidelines.

For subsidy standards, an adult is a person 18 years or older.

All standards in this section relate to the number of bedrooms on the Certificate or Voucher, not the family's actual living arrangements.

The unit size on the Certificate or Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, the HA assigns one bedroom to two people within the following guidelines:

Foster children will be included in determining unit size only if they will be in the unit for more than twelve months.

Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendants' family.

Space may be provided for a child who is away at school but who lives with the family during school recesses.

Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.

Single person families shall be allocated one bedroom.

Head/spouse is entitled to a separate bedroom.

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GUIDELINES FOR DETERMINING CERTIFICATE/VOUCHER SIZE

Certificate/Voucher Size	Persons in Household <u>(Minimum #)</u>	Persons in Household <u>(Maximum #)</u>
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	4	6
4 Bedrooms	6	8
5 Bedrooms	8	10
6 Bedrooms	10	12

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B. **EXCEPTIONS TO SUBSIDY STANDARDS** (24 CFR 982.403(a) & (b))

The HA shall grant exceptions from the subsidy standards if the family requests and the HA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The HA will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

- **Verified medical or health reason; or**

- **Elderly persons or persons with disabilities who may require a live in attendant.**

The family may request a larger sized Certificate or Voucher than indicated by the HA's subsidy standards. Such request must be made in writing within 10 calendar days of the HA's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

The HA will not issue a larger Certificate or Voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

If the HA errs in the bedroom size designation, the family will be issued a Certificate or Voucher of the appropriate size so that the family is not penalized.

Requests based on health related reasons must be verified by a **doctor, medical professional, or social service professional.**

Changes for Applicants

The Certificate/Voucher size is determined prior to the briefing by comparing the family composition to the HA subsidy standards. If an applicant requires a change in the Certificate/Voucher size, *the above references* guidelines will apply.

Changes for Participants

The members of the family residing in the unit must be approved by the HA. The family must obtain approval of any additional family member before the *new member* occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the HA within **10** calendar days. *The above referenced guidelines will apply.*

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Underhoused and Overhoused Families

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the HA will issue a new Certificate or Voucher and assist the family in locating a suitable unit.

Certificate Families Only:

- If a Certificate family is occupying a unit which has more bedrooms than allocated under the HA's subsidy standards, and the gross rent exceeds the FMR/Exception rent for the family size under the HA's subsidy standards, the HA will issue the family a new Certificate and assist the family in finding a suitable unit.
- Certificate families who are under-occupying a unit as defined above will be given a minimum of *sixty* days before assistance is terminated.
- The HA will also notify the family of the circumstances under which an exception will be granted, such as:

If a family with a disability is underhoused in an accessible unit.

If a family requires the additional bedroom because of a health problem which has been verified by the HA.

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Transfer Waiting List

When a change in family composition requires the issuance of another size Certificate or Voucher, and funds are not available for the type of assistance the family has, **the family will be placed on a Transfer List.**

Families will be selected from the *Transfer* List before families are selected from the applicant waiting list. This assures that families who are already on the program are in the appropriate sized units.

Families will be selected from this list when there is available funding, in the following sequence:

1. *A family who has a documented medical need for a larger unit.*
2. **A participant family (whose family composition has been approved by the HA) who requires a change in Certificate or Voucher size because they are living in a unit which is overcrowded according to Housing Quality Standards.**
3. **A participant family (whose family composition has been approved by the HA) who requires a change in Certificate or Voucher size under the Subsidy Standards, but not under Housing Quality Standards.**
4. **All others who require a transfer as determined by the HA.**

C. UNIT SIZE SELECTED

The family may select a different size dwelling than that listed on the Certificate or Voucher. There are three criteria to consider:

1. *Subsidy Limitation: For the Regular Certificate, OFTO Tenancy, and Voucher programs, the HA will apply the FMR or Payment Standard for the smaller of (1) the bedroom size shown on the Certificate/Voucher or (2) the size of the actual unit selected by the family.*
2. **Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Certificate or Voucher.**
3. **Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.**

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HQS GUIDELINES FOR UNIT SIZE SELECTED

	Maximum # of <u>in Household</u>
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

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Chapter 6

FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION

[24 CFR Part 5, Subparts E and F; 982.153, 982.317, 982.551]

INSTRUCTION

In accordance with Notice PIH 98-4, which extends certain provisions of the 1997 Appropriations Act through September 30, 1998 or unless there is subsequent minimum rent legislation, HAs must establish a "minimum rent" of between \$0 and \$50.

In the Certificate and Moderate Rehabilitation programs, the formula for Total Tenant Payment is the greater of:

- 30% of the adjusted monthly income
- 10% of the monthly income
- welfare rent (in as-paid states)

| - the minimum rent (\$50 as set by the HA)

In the Voucher program the "minimum family contribution" must be at least 10% of Monthly Adjusted Income, or the minimum rent as set by the HA.

NOTE: Parts 812 and 813 of the 24 CFR have been removed and replaced with Subpart E and Subpart F of Part 5. Any references to Part 812 and Part 813 should be deleted from the Administrative Plan.

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INTRODUCTION

The HA will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations

This Chapter defines the allowable *expenses and deductions to be subtracted* from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with *24 CFR Part 5, Subparts E and F*, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The HA's policies in this Chapter address those areas which allow the HA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

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A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts which are received on behalf of the family. For purposes of calculating the Total Tenant Payment HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

Adjusted Income is defined as the Annual income minus any HUD allowable *expenses and deductions*.

HUD has five allowable deductions from Annual Income:

1. Dependent Allowance: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. Elderly/*Disabled* Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.
3. Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family. (After expenses exceed 3% of annual income.)
4. Child Care Expenses: Deducted for the care of children under 13 when child care is necessary to allow an **adult** member to work, attend school, or *actively seek employment*.
5. Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an **adult** family member to work.



"Minimum Rent" and Minimum Family Contribution

"Minimum rent" in the Regular Certificate and OFTO Tenancy/and Moderate Rehabilitation Program is \$50. Minimum rent includes the combined amount (TTP) a family pays towards rent and/or utilities.

Minimum family contribution in the Voucher Program is \$50.

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However, if the family requests a hardship exemption, the PHA will immediately suspend the minimum rent for the family until the PHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. A hardship exists in the following circumstances:

-  If there is a substantial decrease of income, which was beyond the family's control.
-  If there is a substantial increase in expenses, which was beyond the family's control.

No hardship. If the PHA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

Temporary hardship. If the PHA reasonably determines that there is qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The PHA will offer a repayment agreement in accordance with this policy for any rent not paid during the period of suspension. During the suspension period, the PHA will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

Long-term hardship. If the PHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

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B. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

[24 CFR 982.54(d)(10), 982.317, 982.551]

The HA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the HA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Temporarily absent is defined as away from the unit for 60 calendar days or less.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The HA will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for **61 calendar days or more** except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than **180 consecutive days**, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the HA's "Absence of Entire Family" policy.

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Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Certificate/Voucher size.

Absence due to Incarceration

If the sole member is incarcerated for more than **30** consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for **61 consecutive calendar days in a twelve month period.**

The HA will determine if the reason for incarceration is for drug-related or violent criminal activity.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the HA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than **3** months from the date of removal of the child/ren, the Certificate/Voucher size will be reduced. If all children are removed from the home permanently, the Certificate or Voucher size will be reduced in accordance with the HA's subsidy standards.

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Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the HA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the HA before they move out of a unit and to give the HA information about any family absence from the unit.

Families must notify the HA if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the assisted unit for more than **61** consecutive days, the unit will be considered to be vacated and the assistance *may* be terminated.

If it is determined that the family is absent from the unit, the HA will not continue assistance payments.

HUD regulations require the HA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the HA may:

- Write letters to the family at the unit**
- Telephone the family at the unit**
- Interview neighbors**
- Verify if utilities are in service**
- Verify with the post office*

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the HA can verify that the person was unable to notify the HA in accordance with the family's responsibilities, and if funding is available, the HA may reinstate the family as an accommodation if requested by the family.

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Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the HA will treat that adult as a visitor for the first **90** days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Certificate or Voucher will be transferred to the caretaker. The care taker must meet program eligibility criteria.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the HA will review the status at **30 day** intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the HA will secure verification from social services staff or the attorney as to the status.

If custody is awarded for a limited time in excess of stated period, the HA will state in writing that the transfer of the Certificate or Voucher is for that limited time or as long as they have custody of the children. The HA will use discretion as deemed appropriate in determining any further assignment of the Certificate or Voucher on behalf of the children.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

The HA will transfer the Certificate or Voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 120 calendar days and it is reasonable to expect that custody will be granted.

When the HA approves a person to reside in the unit as caretaker for the child/ren, the income *should be* counted pending a final disposition. The HA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than **3** months, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than **60** consecutive days without HA approval, or a total of **90** days in a 12-month period, will be considered to be living in the unit as **an unauthorized** household member.

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Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the HA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and *are no longer on the lease* may visit for up to **180** days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than **180** days per year, the minor will be considered to be an eligible visitor and not a family member.

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Reporting Additions to Owner and HA

Reporting changes in household composition to the HA is both a HUD and an HA requirement.

The family obligations require the family to request HA approval to add any other family member as an occupant of the unit and to inform the HA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the HA, any person the family has permitted to move in will be considered an unauthorized household member.

Families are required to report any additions to the household in writing to the HA within 10 calendar days of the move-in date (*refers to birth, adoption, or court-awarded custody*).

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than *birth, adoption or court awarded custody*.

Reporting Absences to the HA

Reporting changes in household composition is both a HUD and an HA requirement.

If a family member leaves the household, the family must report this change to the HA, in writing, within **10 calendar** days of the change and certify as to whether the member is temporarily absent or permanently absent.

The HA will conduct an interim evaluation for changes which affect the Total Tenant Payment in accordance with the interim policy.

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C. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the HA may:

Average known sources of income that vary to compute an annual income.

If there are bonuses or overtime which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so *as to reduce the number of interim adjustments*.

The method used depends on the regularity, source and type of income.

D. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every **90 calendar** days.

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E. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

[24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the HA will calculate *the income by using the following methodology and use the income figure which would result in a lower payment by the family:*

1. (a) *Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.*

OR

- (b) *Include the income of the person permanently confined to the nursing home and give the family the medical deductions allowable on behalf of the person in the nursing home.*

F. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every **3 consecutive** months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than **\$25** per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter 7, "Verification Procedures," for further definition.)

If the family's expenses exceed its known income, the HA will question the family about contributions and gifts.

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G. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the HA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and *verification of item(s) below are provided.*

The HA will accept as verification that the family is receiving an amount less than the award if:

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

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H. **LUMP-SUM RECEIPTS** [24 CFR 5.609]

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 or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

The HA will calculate prospectively if the family reported the payment within 10 calendar days and retroactively to date of receipt if the receipt was not reported within that time frame .

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Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

1. The entire lump-sum payment will be added to the annual income at the time of the interim.
2. The HA will determine the percent of the year remaining until the next annual recertification as of the date of the interim
3. At the next annual recertification, the HA will apply the percentage balance to the lump sum and add it to the rest of the annual income.
4. The lump sum will be added in the same way for any interims which occur prior to the next annual recertification.

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Retroactive Calculation Methodology

1. The HA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
2. The HA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the HA.

The family has the choice of paying this "retroactive" amount to the HA in a lump sum.

At the HA's option, the HA may enter into a Payment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

I. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

J. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d)(3)]

The HA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The HA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not

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considered to be assets disposed of for less than fair market value.

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The HA's minimum threshold for counting assets disposed of for less than Fair Market value is \$1,000.00. If the total value of assets disposed of within a one-year period is less than \$1,000.00, they will not be considered an asset.

K. CHILD CARE EXPENSES [24 CFR 5.603]

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school *full time, or to actively seek employment*.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Examples of those adult members who would be considered *unable* to care for the child include:

The abuser in a documented child abuse situation, or

A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Allowability of deductions for child care expenses is based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. **The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.**

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including *reasonable* travel time to and from school.

Amount of Expense: The HA will survey the local care providers in the community and collect data as a guideline. **If the hourly rate materially exceeds the guideline, the HA may calculate the allowance using the guideline.**

L. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Nonprescription medicines must be doctor-recommended in order to be considered a medical

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expense.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Accupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

M. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter 12, "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

N. REDUCTION IN BENEFITS

If the family's benefits, such as Social Security, SSI or *TANF*, are reduced through no fault of the family, the HA will use the net amount of the benefit.

If the family requests a reduction in their portion of the rent due to a decrease in welfare assistance, the HA will obtain written verification from the welfare agency stating the reason for the reduction in benefits. If the family's benefits have been reduced because of noncompliance with economic self-sufficiency program or work activity requirements or because of fraud, the HA will deny the request and use the gross amount of the benefit.

O. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for *Regular Certificate Tenancies*, *OFTO Tenancies*, and Vouchers. *The HA will maintain an up-to-date utility allowance schedule.*

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The utility allowance is intended to *cover* the cost of utilities not included in the rent. The allowance is 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. Allowances are not based on an individual family's actual energy consumption.*

*An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners. A tenant-paid air conditioning allowance will be provided throughout our jurisdiction OR **will** be provided in the parts of our jurisdiction shown on a map included in the briefing packet.*

The HA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their Certificate or Voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the HA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a **3** month period.

Where the Utility Allowance exceeds the family's Total Tenant Payment, the HA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant:

unless the HA determines that utility companies should receive the check, in which case the check will be sent to appropriate utility companies without the tenant's written agreement.

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Chapter 7

VERIFICATION PROCEDURES

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the HA. *HA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible.* Applicants and program participants must *provide true and complete information to the HA whenever information is requested.* The HA's verification requirements are designed to maintain program integrity. This Chapter explains the HA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family *composition.* The HA will obtain proper authorization from the family before *requesting information from independent sources.*

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

The HA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-Party Written
2. Third-Party Oral
3. Review of Documents
4. Certification/Self-Declaration

The HA will document the file as to why third party written verification was not used.

For applicants, verifications may not be more than 60 days old at the time of Certificate/Voucher issuance. **For participants, they are valid for 120 calendar days from date of receipt.**

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source **are** considered third-party written verifications.

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The HA will accept verifications in the form of computerized printouts delivered by the family from the following:

Social Security Administration
Veterans Administration
Welfare Assistance
Unemployment Compensation Board
City or County Courts
Banking institutions
Medical institutions
Educational institutions
District Attorney's office

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the HA will compare the information to any documents provided by the Family. If provided by telephone, the HA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information cannot be verified by a third party within 2 weeks, the HA will notate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

The HA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

Printed wage stubs
Computer print-outs from the employer
Signed letters (provided that the information is confirmed by phone)
Other documents noted in this Chapter as acceptable verification

The HA will accept faxed documents.

The HA will accept photo copies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the HA will utilize the third party verification.

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The HA will not delay the processing of an application beyond *15 calendar* days because a third-party information provider does not return the verification in a timely manner.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means **statement under penalty of perjury**.

B. RELEASE OF INFORMATION [24 CFR 5.230]

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information / *Privacy Act Notice*.

Each member requested to consent to the release of *specific* information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information *and to sign consent forms* requested by the HA or HUD.

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C. COMPUTER MATCHING

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

The HA will utilize the HUD established Internet format, Tenant Rental Assistance Characteristics System (TRACS) for obtaining Social Security benefits, Supplemental Security Income, benefit history and tenant income discrepancy reports from the Social Security Administration.

D. ITEMS TO BE VERIFIED [24 CFR 982.516]

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in the preceding two years.

Child care expense where it allows an **adult** family members to be employed or to further his/her education.

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus *for a disabled member of the family* which allow an **adult** family member to be employed.

Legal identity of all family members

Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members 6 years of age or older *who have been issued a Social Security Number.*

"Preference" status, **based upon Federal, Ranking, or Local preferences.**

Familial status when needed for head or spouse definition.

E. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods the HA will use to verify various types of income.

Employment Income

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Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- **Year to date earnings**
- **Estimated income from overtime, tips, bonus pay expected during next 12 months**

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer.
2. Check stubs or earning statements which indicate the employee's gross pay, frequency of pay or year to date earnings.
3. W-2 forms plus income tax return forms.
4. Self-certifications or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an Authorization for Release of Information from the Internal Revenue Service for further verification of income.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

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Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits.
2. Award or benefit notification letters prepared and signed by the providing agency.
- 3. Computer report electronically obtained or in hard copy.**

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Verification form completed by the unemployment compensation agency.
2. Computer printouts from unemployment office stating payment dates and amounts.
- 3. Payment stubs.**

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. HA verification form completed by payment provider.
- 2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.**
- 3. Computer-generated Notice of Action.**
- 4. Computer-generated list of recipients from Welfare Department.**

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Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. **Copy of latest check and/or payment stubs from Court Trustee. HA must record the date, amount, and number of the check.**
3. *Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.*
4. *If payments are irregular, the family must provide:*

A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules OR

A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement OR

A welfare Notice of Action showing amounts received by the welfare agency for child support OR

A written statement from an attorney certifying that a collection or enforcement action has been filed.

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Net Income from a Business

In order to verify the net income from a business, the HA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
 - Schedule C (Small Business)
 - Schedule E (Rental Property Income)
 - Schedule F (Farm Income)
2. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
3. Audited or unaudited financial statement(s) of the business.
- 4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.**

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Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the HA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

Recurring Gifts

The family must furnish a self-certification which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

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Full-time Student Status

Only the first \$480 of the earned income of full-time students, other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full-time students is not counted towards family income.

Verification of full-time student status includes:

1. Written verification from the registrar's office or other school official.
2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

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F. INCOME FROM ASSETS [24 CFR 982.516]

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or HA verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the HA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. **Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.**

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G. VERIFICATION OF ASSETS

Family Assets

The HA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
3. Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if the approximate current market value can be deduced from assessment.
5. Financial statements for business assets.
6. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
7. Appraisals of personal property held as an investment.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

1. For all certifications and recertifications, the HA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.
2. If the family certifies that they have disposed of assets for less than fair market value, verification **or certification** is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third-party verification will be obtained wherever possible.

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H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

[24 CFR 982.516]

Child Care Expenses

1. Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.
2. Verifications must specify the child care provider's name, address, telephone number, **Social Security Number**, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses or expenses to assist a person(s) with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

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4. For attendant care:
 - a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
 - b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. HA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
8. The HA will use mileage at the **IRS** rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

1. In All Cases:
 - (a) Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
 - (b) Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
 - (a) Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
 - (b) Certification of family and attendant and/or copies of canceled checks family used to

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make payments.

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3. Auxiliary Apparatus:
 - (a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
 - (b) In the case where the person with disabilities is employed, a statement from the employer or physician that the auxiliary apparatus is necessary for employment.

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I. VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b)(15)]

Verification of Legal Identity

In order to prevent program abuse, the HA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

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Familial Relationships

The following verifications will always be required if applicable:

Verification of relationship:

Official identification showing names

Birth Certificates

Baptismal certificates

Verification of guardianship is:

Court-ordered assignment

Affidavit of parent

Verification from social services agency

School records

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Verification of Permanent Absence of *Family Member* If an adult member who was formerly a member of the household is reported permanently absent by the family, the HA will consider any of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
6. *If no other proof can be provided, the HA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.*
7. *If the adult family member is incarcerated, a document or verbal verification from the Court or prison should be obtained stating how long they will be incarcerated.*

Verification of Change in Family Composition

The HA may verify changes in family composition (either reported or unreported) **through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.**

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

If the family member gets written certification that the disability is permanent, the HA will only require documentation of disability one time.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who

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are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the HA hearing is pending.

- (a) Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. *The HA will not require citizens to provide documentation of citizenship.*
- (b) Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.
- (c) Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HA must request within ten days that the INS conduct a manual search.
- (d) Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
- (e) Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial HA does not supply the documents,

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the HA must conduct the determination.

Extensions of Time to Provide Documents

The HA **will** grant an extension of **up to 30 calendar days** for families *to submit evidence of eligible immigrant status*.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

If the HA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for **12** months, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- A driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare)

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and Medicaid)

- An identification card issued by an employer or trade union
- Earnings statements or payroll stubs
- Bank Statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or Social Security Number from Social Security Administration

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the HA.

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If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the HA. The applicant/participant or family member will have an additional **60 calendar** days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the HA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional. If the family member gets written certification that the need for the larger unit is based on a permanent disability, this certification will only need to be obtained once. If the certification does not indicate how long the larger unit is necessary, the medical need will be verified annually at the recertification.

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J. **VERIFICATION OF WAITING LIST PREFERENCES** [24 CFR 5.410-5.430]

Federal Preferences

The HA has no preferences.

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Reserved

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Chapter 8

CERTIFICATE/VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

The HA's *goals and objectives* are designed to assure that families selected to participate *are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined*, the HA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, HA procedures, and how to lease a unit. The family will also receive a briefing packet which provides more detailed information about the program *including the benefits of moving outside areas of poverty and minority concentration*. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF CERTIFICATES/VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the HA will issue Certificates and Vouchers to applicants whose eligibility has been determined. The issuance of Certificates and Vouchers must be within the dollar limitations set by the ACC budget.

The number of Certificates and Vouchers issued must ensure that the HA stays as close as possible to 100 percent lease-up, (*within any HUD requirements for a delay in reissuance*). The HA performs a monthly calculation **electronically/manually** to determine whether applications can be processed, the number of Certificates and Vouchers that can be issued, and to what extent the HA can over-issue (issue more Certificates or Vouchers than the budget allows).

The HA may over-issue Certificates or Vouchers only to the extent necessary to meet leasing goals. All Certificates and Vouchers which are over-issued must be honored. If the HA finds it is over-leased, it must adjust future issuance of Certificates or Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

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A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in **groups or individual meetings**. Families who attend group briefings and still have the need for individual assistance will be referred to **Housing Program Specialist**.

Briefings for the Certificate Program *and OFTO* and the Voucher Program will be held separately. Briefings will be conducted in English.

The purpose of the briefing is to explain the documents in the Certificate/Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The HA will not issue a Certificate or Voucher to a family unless the household representative has attended a briefing and signed the Certificate or Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend **2** scheduled briefings, without prior notification and approval of the HA, may be denied admission based on failure to supply information needed for certification. The HA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

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Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packets for both the Certificate and Voucher programs will comply with all HUD requirements. **The HA also includes other information and/or materials which are not required by HUD.**

The family is provided with the following information and materials:

1. The term of the Certificate or Voucher, and the HA policy for requesting extensions to the term of the Certificate or Voucher or suspensions of the Certificate/Voucher.
2. A description of the method used to calculate the housing assistance payment, information on utility allowances, Fair Market Rents for the Regular Certificate program and Payment Standards *and how they differ for the OFTO Tenancy* and Voucher program.
3. How the maximum allowable rent is determined **including the rent reasonableness standard.**
4. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition of a unit, whether the rent is reasonable, cost of tenant-paid utilities, and energy efficiency of the unit.
5. The boundaries of the geographical area in which the family may lease a unit including an explanation of portability.
6. The **HA model lease and HUD** lease addendum.
7. The Request for Lease Approval form, and a description of the procedure for requesting approval for a unit.
8. The HA policy on providing information about families to prospective owners.
9. The Subsidy Standards including when and how exceptions are made **and how the Certificate or Voucher size relates to the unit size selected.**
10. The HUD brochure entitled "**A Good Place to Live**" on how to select a unit that **complies with HQS.**
11. The HUD brochure on lead-based paint **and information about where blood level**

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- testing is available.**
12. Information on federal, State and local equal opportunity laws *and a copy of the housing discrimination complaint form*. **The HA will also include the pamphlet "Fair Housing: It's Your Right" and other information about fair housing laws and guidelines** and the phone numbers of the local fair housing agency and the HUD enforcement office.
 13. A list of landlords or other parties willing to lease to assisted families or help in the search **and/or known units available for the size Certificate or Voucher issued**.
 14. If the family includes a person with disabilities, notice that the HA will provide a list of available accessible units known to the HA.
 15. The Family Obligations under the program.
 16. The grounds on which the HA may terminate assistance for a participant family because of family action or failure to act.
 17. HA informal hearing procedures including when the HA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
 18. **An Owner's Handbook, an HQS checklist and sample contract.**
 19. **Procedures for notifying the HA and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.**
 20. **The family's rights as a tenant and a program participant.**
 21. *Requirements for reporting changes between certifications.*
 22. *A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.*

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Other Information to be Provided at the Briefing [24 CFR 982.301(a)]

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the HA, and the HA and the owner.

The briefing presentation emphasizes:

- Family and owner responsibilities
- Where a family may lease a unit inside and outside its jurisdiction
- How portability works for families eligible to exercise portability
- Advantages to moving to area with low concentration of poor families if family is living in a high poverty census tract in the HA's jurisdiction
- **Exercising choice in residency**
- **Choosing a unit carefully and only after due consideration.**
- **The Family Self Sufficiency program and its advantages.**

If the family includes a person with disabilities, the HA will ensure compliance with CFR 8.6 to ensure effective communication.

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Owner Briefings

Briefings are held for owners *quarterly*. All new owners receive a personal invitation and current owners are notified by mail. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program. *The briefing covers the responsibilities and roles of the three parties.*

Signature Briefing: All owners will be required to attend a signature briefing with the family head at the office to execute contracts and leases. The HA will provide details on the program rules and relationships and responsibilities of all parties.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the HA will provide assistance to families who wish to do so.

The assistance provided to such families includes:

- **Direct contact with landlords.**
- **Counseling with the family.**
- **Providing information about services in various non-impacted areas.**
- **Meeting with neighborhood groups to promote understanding.**
- **Formal or informal discussions with landlord groups**
- **Formal or informal discussions with social service agencies**
- **Meeting with rental referral companies or agencies**
- **Meeting with fair housing groups or agencies**

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D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

Fair Housing Laws

In compliance with Section 147 of the National Affordable Housing Act, no owner who has entered into a contract for housing assistance payments under this section on behalf of any tenant in a multifamily building (more than four units) shall refuse to lease any available dwelling unit in any multifamily building owned by the same owner to a Certificate or Voucher holder solely because of their status as a Certificate or Voucher holder.

The HA provides the family with a complaint form and the location of the local Fair Housing office. If HUD Fair Housing makes a finding of discrimination against an owner, the HA will restrict the owner from future participation.

The HA provides the family with the HUD discrimination complaint form and directs the family to report suspected discrimination to HUD.

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E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

Leases Effective Prior to October 2, 1995

The amount of Security Deposit which could have been collected by owners under contracts effective prior to October 2, 1995 is:

Under the Certificate Program, the owner could have collected a Security Deposit in an amount not to exceed Total Tenant Payment or \$50.00, whichever is greater, for non-lease-in-place families.

For the Voucher Program, the owner, at his/her discretion, could have collected a Security Deposit in an amount not to exceed (HA policy):

The amount charged to assisted tenants may not exceed the maximum allowed under state or local law.

Leases Effective on or after October 2, 1995

Security deposits charged by owners may not exceed those charged to unassisted tenants nor the maximum prescribed by State or local law.

For lease-in-place families, responsibility for first and last month*s rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF CERTIFICATE/VOUCHER [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a Certificate or Voucher which represents a contractual agreement between the HA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expirations

The Certificate or Voucher is valid for a period of sixty calendar days from the date of issuance. The family must submit a Request for Lease Approval and Lease within the sixty-day period unless an extension has been granted by the HA.

If the Certificate or Voucher has expired, or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they

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may remain as a participant in their unit if there is an assisted lease/contract in effect.

Suspensions

When a Request for Lease Approval is received, the HA **will** deduct the number of days required to process the request from the 60 day term of the Certificate/Voucher.

Extensions

A family may request an extension of the Certificate/Voucher time period. All requests for extensions must be received prior to the expiration date of the Certificate/Voucher.

Extensions are permissible at the discretion of the HA up to a maximum of 120 days, primarily for these reasons:

Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family*s ability to find a unit within the initial sixty-day period. Verification is required.

The HA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the HA, throughout the initial sixty-day period. A completed search record **is required.**

The HA extends in one or more increments. Unless approved by the **Unit Supervisor, no more than **one** extension of **60 days** or less will be granted and never for a total of more than an additional sixty days without HUD approval.**

The HA, at its discretion, **will** request HUD approval to extend the Certificate or Voucher beyond an additional 60 days.

Assistance to Certificate/Voucher Holders

Families who require additional assistance during their search may call the HA Office to request assistance. Certificate and Voucher holders will be notified at their briefing session that the HA periodically updates the listing of available units and how the updated list may be obtained.

The HA will assist families with negotiations with owners and provide other assistance related to the families* search for housing.

G. INTERCHANGEABILITY BETWEEN CERTIFICATE AND VOUCHER

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[24 CFR 982.205 (c)(2)]

The Family may request a change in the form of assistance from Certificate to Voucher, or from Voucher to Certificate, either during the initial search period and/or during the move process.

If the Family asks to change the form of assistance, the HA will determine if the requested form of assistance is available and will notify the Family within 10 days. If the HA denies the family*s request, an informal hearing will not be offered.

A transfer list for interchangeability requests will be maintained as needed when funding is not available.

During the initial search period or the move process, the family may only change the form of assistance issued once.

In the case of a family not yet under contract, the HA will issue the new form of assistance for the time remaining on the current Certificate or Voucher.

H. CERTIFICATE/VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the HA shall consider the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the Certificate or Voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.
6. Recommendations of social service professionals.

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Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the HA will terminate assistance on the basis of failure to provide information necessary for a recertification.

Where the breakup of the family also results in a reduction of the size of the Certificate, the family will be required to move to a smaller unit if the current landlord is unwilling to accept the rent level of the smaller sized Certificate.

I. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF CERTIFICATE/VOUCHER [24 CFR 812.2-definition]

To be considered the remaining member of the tenant family, the person must have been previously approved by the HA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

- 1. The court has to have awarded emancipated minor status to the minor, or**
- 2. The HA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.**

A reduction in family size may require a reduction in the Certificate or Voucher size.

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Chapter 9

REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

INTRODUCTION [24 CFR 982.305(a)]

The HA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The HA's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a Certificate or Voucher, they may search for a unit anywhere within the jurisdiction of the HA, or outside of the HA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the HA. This Chapter defines the types of eligible housing, the HA's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Lease Approval (RFLA).

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A. REQUEST FOR LEASE APPROVAL [24 CFR 982.305(b)]

The Request for Lease Approval (RFLA) and a copy of the proposed Lease must be submitted by the family during the term of the Certificate or Voucher.

The Request for Lease Approval must be signed by both the owner and Certificate/Voucher holder.

The HA will not permit the family to submit more than one RFLA at a time.

The HA will review the proposed Lease and the Request for Lease Approval documents to determine whether or not they are approvable. For the Certificate Program, the HA will determine whether the gross rent is within the applicable FMR/exception rent limit. *If the gross rent exceeds the FMR/exception rent limit, the HA will determine whether OFTO availability exists. If it does exist, the HA will complete the Income and Expense Table or other affordability documentation with the family to determine whether their family share would be affordable.*

The Request will be approved if:

1. The unit is an eligible type of housing
2. The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)
3. The rent is reasonable *and approvable (See Section G)*.
4. The Security Deposit is approvable in accordance with any limitations in this plan.
5. The proposed Lease complies with HUD and HA requirements (See Section C).
6. The owner is approvable, and there are no conflicts of interest (See Section I).

Disapproval of RFLA

If the HA determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The HA will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given 10 calendar days to submit an approvable RFLA from the date of disapproval.

When, for any reason, an RFLA is not approved, the HA will furnish another RFLA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

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B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]

The HA will approve any of the following types of housing in the Certificate and Voucher Programs:

- All structure types can be utilized.
- Manufactured homes where the tenant leases the mobile home and the pad.
- **Manufactured homes where the tenant owns the mobile home and leases the pad for Certificates.**
- **Group Homes**
- **Congregate facilities (only the shelter rent is assisted)**
- **Single Room Occupancy**
- **Units owned (but not subsidized) by the HA (following HUD-prescribed requirements).**

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development. *Unless their Lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The HA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.*

The HA may not permit a Certificate or Voucher holder to lease a unit which is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

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C. LEASE REVIEW [24 CFR 982.308]

The HA will review the Lease, particularly noting the approvability of optional charges and compliance with regulations **and State law**. Responsibility for utilities, appliances and optional services must correspond to those provided on the Request For Lease Approval.

Owners may either submit their own Lease or permit the HA to furnish the Lease. In cases where the owner's Lease is used, the HUD Lease Addendum must be attached and executed.

The HA will encourage owners to use a sample Lease provided by the HA which includes the HUD-mandated language. House Rules of the owner may be attached to the Lease as an addendum, provided they are approved by the HA to ensure they do not violate any fair housing provisions and do not conflict with the Lease Addendum.

D. SEPARATE AGREEMENTS

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved Lease.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the Lease if the agreement is in writing and approved by the HA.

Any appliances, services or other items which are routinely provided to unassisted families as part of the Lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the Lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

The HA is not liable under the Lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the Lease approved by the HA. If agreements are entered into at a later date, they must be approved by the HA and attached to the Lease.

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E. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See Chapter 10, "Housing Quality Standards and Inspections."

F. RENT LIMITATIONS [24 CFR 982.503]

In the Regular Certificate Program, *the gross rent may not exceed the FMR/exception rent. The HA will approve an exception rent up to 120 percent of the FMR for a particular family if necessary as a reasonable accommodation so that the unit is useable by and accessible to a family member with a disability.*

For the Certificate and Voucher Programs, the HA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a *comparable unassisted* unit in the building or premises.

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G. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed Gross Rent is not reasonable, at the family's request, the HA will negotiate with the owner to reduce the rent to a reasonable rent.

In a Regular Certificate Tenancy, if the proposed Gross Rent exceeds the FMR/exception rent, the HA will take action in the following sequence in assisting the family's efforts to lease the unit:

1. *At the family's request, the HA will negotiate with the owner to reduce the rent or include some or all of the utilities in the Contract Rent.*
2. *If the owner is not willing to adjust the rent and the HA has determined the rent to be reasonable, the HA will determine whether the rent is within 120 percent of the FMR. If so the HA will determine whether approval of an exception rent is necessary as a reasonable accommodation to make the program useable by and accessible to a family member with a disability.*
3. *If a reasonable accommodation is not needed, and OFTO availability exists, and the family agrees and qualifies for OFTO based on their family share, the family will be provided with an OFTO tenancy so they may lease the unit.*
4. *If availability exists and the family and the owner agree, the family may change their form of assistance from a Certificate to a Voucher.*

If the rent can be approved by taking the above steps, the HA will continue processing the Request for Lease Approval and Lease. If the revised rent involves a change in the provision of utilities, a new Request for Lease Approval must be submitted by the owner.

If the owner does not agree on the Contract Rent after the HA has tried and failed to negotiate a revised rent, the HA will inform the family and owner that the Lease is disapproved.

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H. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the HA will furnish prospective owners with the family's current address as shown in the HA's records and, if known to the HA, the name and address of the landlord at the family's current and prior address.

The HA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The HA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

A statement of the HA's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

The HA will provide the following information based on documentation in its possession:

Eviction history

Damage to rental units

Other aspects of tenancy history (i.e. 3-Day Notices)

The information will be provided for the last **5** years, providing the information is in the file.

The information will be provided **orally**.

Only **Housing Program Specialist I/II or higher (with supervisory approval)** may provide this information. The HA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

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I. OWNER DISAPPROVAL [24 CFR 982.306]

For purposes of this section, "owner" includes a principal or other interested party.

The HA will disapprove the owner for the following reasons:

- HUD **or other agency directly related** has informed the HA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed the HA that 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.
- HUD has informed the HA that a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
- *The owner has a conflict of interest as described in HUD regulation 24 CFR 982.161(a), and would therefore be unable to enter into a contract with the HA.*
- **The owner has violated obligations under a Housing Assistance Payments Contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).**
- **The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.**
- **The owner has engaged in drug trafficking.**
- **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.**
- **The owner has a history or practice of renting units that fail to meet State or local housing codes.**
- **The owner has not paid State or local real estate taxes, fines or assessments.**

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J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP Contract at admission, the information will be verified and the TTP will be recalculated. If the family does not report any change, the HA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

K. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The HA prepares the Housing Assistance Contract and Lease for execution. The family and the owner will execute the Lease agreement, and the owner and the HA will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The HA will retain a copy of all signed documents..

The HA makes every effort to execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the Contract is executed.

The following HA representative(s) is/are authorized to execute a Contract on behalf of the HA:
Deputy Director.

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security Number.

Owners must also submit a completed and accurate W-9 form.

The owner must provide a business or home telephone number.

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L. CHANGE IN OWNERSHIP

A change in ownership **does not** require execution of a new contract.

The HA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security Number of the new owner.

The HA must receive a written request by the old owner in order to change the HAP payee and/or the address to which payment is to be sent.

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Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the Lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted Lease and HAP Contract.

The HA will inspect each unit under contract at least annually. The HA will also have an inspection supervisor perform quality control inspections on at least 5 percent of all units under contract annually to maintain the HA's required standards and to assure consistency in the HA's program. This Chapter describes the HA's procedures for performing HQS and other types of inspections, and HA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and HA requirements. (See additions to HQS).

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A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

The HA has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service prior to the effective date of the HAP Contract. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RFLA) to have the utilities turned on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the HA will allow the stove and refrigerator to be placed in the unit after the inspection, if after the unit has passed all other HQS, the owner and family certify that the appliances are in the unit and working according to the Housing Quality Standards. The HA will conduct a reinspection.

There are *five* types of inspections the HA will perform:

1. Initial/Move-in: Conducted upon receipt of Request For Lease Approval.
2. Annual: Must be conducted prior to the HAP Contract anniversary date.
3. Move-Out/Vacate for contracts effective prior to 10/2/95.
4. Special/Complaint: At request of owner, family or an agency or third-party *if HA-approved*.
5. Quality Control

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B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
- Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the **family and** owner will be advised to notify the HA once repairs are completed.

On an initial inspection, the owner will be given up to **30** days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to **one** reinspection for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

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C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The HA conducts an inspection in accordance with Housing Quality Standards at least annually, **up to 120 calendar** days prior to the anniversary month of the Contract. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

The family must allow the HA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections will be conducted on business days only.

Reasonable hours to conduct an inspection are between **7:30** a.m. and **6:00** p.m.

The HA will notify the family in writing at least **5 calendar** days prior to the inspection.

Inspection: The family ***and owner are*** notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they may authorize another adult to represent them at the inspection or they must reschedule the appointment so that the inspection is completed within **15 calendar** days.

If the family does not contact the HA to reschedule the inspection, or if the family misses *one* inspection appointment, the HA will consider the family to have violated a Family Obligation and termination of their assistance will begin in accordance with the termination procedures in the Plan.

Reinspection: The family and owner are mailed a notice of the inspection appointment by mail. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The family is also notified that it is a Family Obligation to allow the HA to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 15, "Denial or Termination of Assistance," they will be advised of their responsibility to correct.

If the unit goes into abatement, the reinspection will be conducted for a \$50 fee from the owner, payable directly from the HAP.

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Time Standards for Repairs

1. Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of the inspection.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs, the **supervisor** may approve an extension beyond 30 days.

The extension will be made for a period of time not to exceed 60 calendar days. At the end of that time, at the HA's discretion, if the work is not completed, the HA will begin the abatement/termination of assistance.

Annual Rent Adjustments

*The HA will conduct an inspection using the Housing Quality Standards **and rent reasonableness factors** at least annually, prior to the anniversary month of the Contract. Annual adjustments to the Contract in the Certificate program may not be given until the unit passes the HQS. Rent increase requests in the Voucher **and OFTO** programs will not be approved if the unit is in a failed condition.*

D. MOVE OUT/VACATE

A move out inspection will be performed only at the landlord's request if claim is to be submitted for contracts effective before 10/2/95.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the HA that the unit does not meet Housing Quality Standards, the HA may conduct an inspection. Prior to scheduling the inspection, the HA will verify that the owner is aware of the need for the repair and has been given sufficient time to make the repairs.

The HA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The HA will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the anniversary date is within 120 calendar days of a special inspection, the special

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inspection will be categorized as annual and all annual procedures will be followed.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed by the **supervisors** on **at least 5** percent of the units of each inspector. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

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G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The HA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet **with the additions described below.**

Additions:

Walls:

All walls must be painted every five years, or more frequently, if deemed necessary by the inspector.

In areas where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired or replaced.

Windows:

Any room for sleeping must have a window

Doors:

All interior doors must have no holes and have all trim intact.

Sinks:

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

Security:

If window security bars or security screens are present on emergency exit window, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

Bedrooms:

Bedrooms in basements or attics must have adequate ventilation and emergency exit capability.

Minimum bedroom ceiling height is 7'6" or local code, whichever is greater. Sloping ceilings may not slope to lower than five feet in the 70 square foot area.

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H. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

Only life-threatening items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of inspection.

The following are examples:

Waterlogged ceiling in imminent danger of falling

Major plumbing leaks or flooding

Natural gas leak or fumes

Electrical problem which could result in shock or fire

No heat when outside temperature is below 32 – F. and temperature inside unit is below

50 – F. (Age and health status of family members must be considered.)

Utilities not in service

Lack of functioning toilet

Supervisory approval is required on all emergency items prior to deeming the repair an emergency repair.

The HA may give a short extension (not more than 72 additional hours) whenever the responsible party cannot be notified or it is impossible to effect the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the HA.

If the emergency repair item(s) are not corrected in the time period required by the HA, and the owner is responsible, the Housing Assistance Payment will be abated and the HAP Contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the HA, and it is an HQS breach which is a family obligation, the HA will terminate the assistance to the family.

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I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)

[24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the HA, the assistance payment to the owner will be held until the unit is reinspected. If the unit continues to fail at reinspection, abatement will begin.

If the HA has attempted to conduct the reinspection and was unable to do so, the HAP will be abated and the owner will be charged \$50 for the abatement reinspection.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for **30 calendar** days, depending on the nature of the repair(s) needed.

The HA will inspect abated units within **30 calendar** days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The HA will advise owners of their responsibility to notify the tenant of when the reinspection will take place.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. **The notice of abatement states that the tenant is not responsible for the HA's portion of rent that is abated.**

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination *may* be rescinded by the HA if the tenant chooses to remain in the unit. Only **two** Housing Quality Standards inspections will be conducted after the termination notice is issued.

J. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

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Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service.
- Failure to provide or maintain family-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

"Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits.

However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the Lease. The HA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection. The owner or tenant may appeal this determination to the HA within 10 calendar days of the inspection.

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

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K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If non-emergency violations of HQS are determined to be the responsibility of the family, the HA will require the family make any repair(s) or corrections within **30 calendar** days. If the repair(s) or correction(s) are not made in this time period, the HA will terminate assistance to the family. Extensions in these cases must be approved by **supervisors**. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

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Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.501, 982.503, 982.504]

INTRODUCTION

It is the HA's responsibility to ensure that the rents charged by owners are reasonable based upon objective comparables in the rental market. The HA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS and that the rent is reasonable. The HA will determine rent reasonableness at initial lease-up, before any increases in rent to owner and at other times as described in this section. The HA will provide the owner with information concerning rent adjustments in the Certificate and Voucher Programs.

The HA will also ensure that initial gross rents do not exceed the FMR/exception rent limit under the Certificate Program, other than for OFTO Tenancies.

This Chapter explains the HA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. OWNER PAYMENT IN THE REGULAR CERTIFICATE PROGRAM

[24 CFR 982.507]

The payment to the landlord, called the Housing Assistance Payment, is the Contract Rent approved by the HA less the Tenant Rent determined by the HA.

B. OWNER PAYMENT IN THE OFTO TENANCY PROGRAM [24 CFR 982.505(c)]

The maximum subsidy for each family is determined by the Payment Standard for the Certificate size issued to the family. The subsidy equals the lesser of:

1. *The applicable Payment Standard minus the "TTP" (the greater of 30% AAI, welfare rent, or 10% MI); or*
2. *The monthly Gross Rent minus the HA minimum rent.*

The Certificate size issued to the family is based on the HA's Subsidy Standards. The Payment Standard for the family is based on the lesser of the Payment Standard for the Certificate size issued or the Payment Standard for the unit selected.

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C. OWNER PAYMENT IN THE VOUCHER PROGRAM [24 CFR 982.505(b)]

The maximum subsidy for each family is determined by the Payment Standard for the Voucher size issued to the family, less 30% of the family's Monthly Adjusted Income. The actual subsidy level could be less if the family is required to pay the Minimum Total Tenant Payment (10% of the family's Monthly Income).

The Voucher size issued to the family is based on the HA's Subsidy Standards. The Payment Standard for the family is based on the lesser of the Payment Standard for the Voucher size issued and the Payment Standard for the unit selected.

The Housing Assistance Payment to the owner is the lesser of the subsidy described above or the rent charged by the owner.

D. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed, the HA begins processing payments to the landlord. The effective date and the amount of the HA payment is communicated **in writing to the family and owner**. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made **automatically** to the HAP Register for the following month. Checks are disbursed by **Accounting** to the owner each month.

Checks **may not** be picked up by owner at the HA *without prior approval from the Deputy Director*.

Checks will only be disbursed on the first of the month. Exceptions may be made with the approval of the Deputy Director in cases of hardship.

Checks that are not received will not be replaced until a written request has been received from the payee and a stop payment has been put on the check.

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E. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.503]

The HA will not approve a lease until the HA determines that the initial rent to owner is a reasonable rent. The HA must redetermine the reasonable rent before any increase in the rent to owner, and 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.

The HA also will redetermine rent reasonableness when owners request special contract rent adjustments for the Certificate Program, and when an owner requests an increase in the rent to owner for a Voucher or OFTO unit.

The HA must redetermine rent reasonableness if directed by HUD and based on a need identified by the HA's auditing system, the HA may elect to redetermine rent reasonableness at any other time. 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 HA.

For the Certificate and Voucher Programs, the HA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market.

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the HA information on rents charged by the owner for other units in the premises or elsewhere. ***The HA will only request information on the owner's units elsewhere if the HA has cause to demonstrate that the owner has a tendency to charge higher rents to Program participants or if needed for rent reasonableness comparables.***

The data for other unassisted units will be gathered from owners, newspapers, Realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness are **subdivisions, census tracts and neighborhoods** within the HA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

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The following items will be used for rent reasonableness documentation:

- *Size (number of Bedrooms/square footage)*
- *Location*
- *Quality*
- *Amenities (bathrooms, dishwasher, air conditioning, etc.)*
- *Housing Services*
- *Age of unit*
- *Unit Type*
- *Utilities*
- *Maintenance*

The HA maintains **an automated database** which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than **12** months old. Comparability of each item listed above will be done by **point** adjustment.

At least 3 comparable units will be used for each rent determination. All comparables must be based on the rent that the unit would command if leased in the current market. Leased in the current market means that the unit has been leased within the last 12 months.

F. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.505(b)(1)]

The Payment Standard is used to calculate the housing assistance payment for a family. The Payment Standard is set by the HA between 80 percent and 100 percent of the FMR/exception rent. The HA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the HA will ensure that the Payment Standard is within the range of 80 percent to 100 percent of the new FMR.

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G. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.505(b)(3)]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families' rents affordable. The HA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the HA raise Standards if the need is solely to make "high end" units available to Voucher holders.

The HA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and this policy and if an increase is warranted, the Payment Standard will be adjusted within 80% of the current Fair Market Rent.

In a volatile market, it will be at the HA's discretion whether to make the change immediately or wait until the time of the annual review of the HA's Payment Standard.

The HA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

The HA will review reports showing the percent of income used for rent by Voucher families to determine the extent to which the rent burden is more than **45%** of income.

The HA will separate cases where the Rent to Owner is comparable to the average Contract Rent in the Certificate Program from those where Rent to Owner exceeds that average.

Availability of Suitable Vacant Units Below the Payment Standard

The HA will review its rent reasonableness database and vacancy rate data to determine whether there is an ample supply of vacant units below the Payment Standard **in areas without minority concentration and/or poverty-impacted areas.**

Quality of Units Selected

The HA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

HA Decision Point

The HA will review the quality and size of units where the Rents to Owner are above the Payment Standard by more than **25%**. If more than **50%** of families have selected above-average units or have

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selected larger units than the Voucher size, the HA may elect not to increase the Payment Standard nor continue the analysis.

If the analysis continues, the HA will divide those rents between contracts within the first year and after the first year. If the rents to owner are more than **25%** above the average, in any bedroom size, the HA will continue the analysis. If not, the HA may elect not to increase the Payment Standard for certain bedroom sizes.

Rent to Owner Increases

The HA may review a sample of the units to determine how often owners are increasing rents after the first year of the lease and the average percent of increase by bedroom size. The sample will be divided into units with and without the highest cost utility included.

A comparison will then be made to the applicable annual adjustment factor to determine whether owner increases are excessive in relation to the published annual adjustment factor.

Time to Locate Housing

The HA may consider the average time period for families to lease up under the Voucher Program as compared to the Certificate Program. If the average for Voucher holders exceeds that for Certificate holders by 25%, the Payment Standard may be adjusted.

Rent Reasonableness Data Base/Average Contract Rents

The HA will compare the Payment Standards to average rents in its Rent Reasonableness Data Base and to the average Contract Rents by unit size. The Payment Standards should be **on a par with** these amounts.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 80 percent of the FMR without authorization from HUD.

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Financial Feasibility

Before increasing the Payment Standard, the HA may review the budget and the project reserve, to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the HA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by the HA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

H. PAYMENT STANDARDS FOR OFTO TENANCIES [24 CFR 982.505(c)]

The Payment Standard is used to calculate the housing assistance payment for a family. The OFTO Payment Standard is the FMR/exception rent. Whenever the FMR changes or an exception rent is approved, that becomes the HA's new Payment Standard.

The above paragraph applies except that if an exception rent has been approved for an area, that exception rent continues to be the Payment Standard until either (1) the FMR exceeds the exception rent, or (2) a reduced FMR is published.

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I. PAYMENT STANDARDS FOR A FAMILY [24 CFR 982.505(d)]

Regular Reexamination

If the Payment Standard decreases during the HAP Contract term, the Payment Standard for the family is the higher of (1) the Payment Standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased, or (2) the Payment Standard at the current or most recent annual exam. If a change in family size or composition occurs affecting the Certificate size, the ability to use the initial Payment Standard is lost.

Interim Examination

If after the beginning of the term of the lease the family has a change in income, family size or composition that would require or allow for an interim adjustment based on the HA's interim policy, the HA will not apply any new or change in Payment Standard until the date of the next regular reexamination.

Moves

If the family moves into a different unit prior to their next recertification and the HA has had a change in the Payment Standard the new Payment Standard will be used. The applicable Payment Standard will be that which is the lower of either the Certificate size issued or the unit size selected at the time of the move.

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J. RENT ADJUSTMENTS [24 CFR 982.509]

Regular Certificate Program

The HA will notify owners of their right to request a rent adjustment **60 calendar** days in advance of the anniversary date. The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease. The maximum increase will be based on the annual adjustment factor in effect 60 days before the contract anniversary date multiplied by the pre-adjusted rent to owner. A decrease may occur either as the result of an AAF less than 1.0, or the HA's rent reasonableness determination.

Owners must request the rent increase in writing **on the form provided by the HA**. Any increase will be effective the later of (1) the anniversary date of the Contract, or (2) at least 60 days after the owner's request is received. To be honored, requests must be received at least 60 days prior to the next anniversary date.

The change in rent does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment. A notice of rent change will be sent to the owner and the family.

Special Adjustments [24 CFR 982.510]

An owner may request a special adjustment based on substantial and general increases in real property taxes, special government assessments, or costs of utilities. The rent requested must be found to be reasonable and must be approved by HUD.

Disapproval of Requests for Adjustment

If the HA rejects the owner's request for rent adjustment as exceeding rent reasonableness and the owner rejects the HA's determination, the owner may offer the tenant a new lease (after receiving the HA's approval) with a sixty-day notice to the tenant. If the tenant accepts the offer of a new lease, an RFLA must be submitted and the requested rent subjected to rent reasonableness and, for the Certificate Program, the FMR limitations. If the tenant refuses or the owner does not offer a new lease, the owner may institute court action to terminate tenancy for a business or economic reason in accordance with the lease. The HA will issue a new Certificate or Voucher to the family.

After the tenant has begun searching for a new housing unit and/or after court action has been initiated, the owner may decide to accept the current lease. If the owner and tenant agree, the lease can continue.

If a new lease is executed, a new Contract must also be executed.

Voucher and OFTO Program Rent Adjustments [24 CFR 982.505(b)(3)]

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Owners may not request rent adjustments in the Voucher and OFTO Tenancy programs to be effective prior to the expiration of the first year of the lease. Rent adjustments are effective:

With a sixty-day notice to the family and a copy to the HA. The HA will advise the family as to whether the rent is reasonable and shall approve or disapprove the rent increase.

K. AREA EXCEPTION RENTS [24 CFR 982.504(b)]

Area exception rents may not exceed 120 percent of the published FMR/exception rent limit. Area exception rents will not be approved by HUD unless HUD determines it necessary to meet the following criteria:

- 2. To assist families in obtaining housing outside areas of high poverty, or**
- 3. To assist Certificate or Voucher holders who are experiencing trouble finding housing for lease under the tenant-based program within the term of the Certificate or Voucher.**

The HA has not received approval for any area exception rent(s).

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Chapter 12

RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the HA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the HA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are three activities the HA must conduct on an annual basis. **These activities will be coordinated whenever possible:**

1. Recertification of Income and Family Composition
2. HQS Inspection
3. Contract Rent Adjustment (following HUD requirements [Certificate only])

The HA produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made. Requests for rent adjustments and other monetary changes will be transmitted to the *Resident Services Department*.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See Chapter 10, "Housing Quality Standards and Inspections."

Rent Adjustments: See Chapter 11, "Owner Rents, Rent Reasonableness and Payment Standards."

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B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

When families move to another dwelling unit:

An annual recertification will be scheduled if a recertification is due within 120 calendar days . The anniversary date for recertification will not be changed.

The anniversary date for the recertification will not be changed but the new anniversary date will apply to inspection and owner rent adjustment.

Income limits are not used as a test for continued eligibility at recertification unless the family is moving under portability and changing their form of assistance.

Reexamination Notice to the Family

The HA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview up to **120 calendar** days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the HA will provide the notice in an accessible format. The HA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Procedure

The HA's procedure for conducting annual recertifications will be:

Provide the family with a Personal Declaration packet

Schedule the date and time of appointments and mail a notification to the family.

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Completion of Annual Recertification

The HA will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

Persons with Disabilities

Persons with disabilities who are unable to come to the HA's office will be granted an accommodation by conducting the interview **at the person's home**, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

The HA will allow the family to complete the recertification form.

The HA representative will interview the family and enter the information provided by the family on the recertification form, review the information with the family and have them sign the form..

The HA will require the family to complete a Personal Declaration Form prior to all recertification interviews.

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Requirements to Attend

The following family members may be required to attend the recertification interview:

The head of household and spouse or co-head

If the head of household is unable to attend the interview:

The spouse, co-head, or any adult may recertify for the family, provided that the head comes in within 5 calendar days to recertify

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment date up to **one** day prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the HA, the HA **will** reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the HA will:

Send family notice of termination and offer them an informal hearing

Exceptions to these policies may be made by a supervisor if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

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Documents Required From the Family

In the notification letter to the family, the HA will include instructions for the family to bring the following:

- Documentation of income for all family members**
- Documentation of all assets**
- Documentation of any deductions/allowances**
- Personal Declaration Form completed by head of household**
- Immigration cards**

Verification of Information

The HA will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than **120 calendar** days old.

Tenant Rent Increase

If tenant rent increases, a thirty day notice is mailed to the family. The effective date of the change will be on the anniversary date. However, if less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the HA.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the HA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HA approval prior to all other additions to the household.

If any new family member is added, family income must include any income of the new family member. The HA will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size.

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The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Increases in Income

Interim Reexamination Policy

The HA **will** conduct interim reexaminations when families have an increase in income.

Families will be required to report increases in household income of more than \$250 per month.

Decreases in Income

Participants may report a decrease in income and other changes which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The HA must calculate the change if a decrease in income is reported.

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HA Errors

If the HA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination will be scheduled for families with **unstable** income every **120 calendar** days.

In the following circumstances, the HA may conduct the interim recertification by mail:

Changes that will not result in a change in tenant rent or certificate/voucher size.

Changes in income that are normal for the family, such as seasonal employment..

As a reasonable accommodation when requested. (See Chapter 1, "Statement of Policies and Objectives")

Any changes reported by participants other than those listed in this section **will be notated in the file by the staff person but** will not be processed between regularly-scheduled annual recertifications.

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D. NOTIFICATION OF RESULTS OF RECERTIFICATIONS [HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures *are not* required by the HA. If the family disagrees with the rent adjustment, they may request an informal hearing.

E. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

[24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

The HA requires that families report interim changes to the HA within **10 calendar** days of when the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided within **60 calendar** days of the change.

An exception will be made for TANF recipients who obtain employment. In such cases, families will have to report within 90 calendar days of receipt of the Notice of Action from TANF that shows the full adjustment for employment income.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change is Reported in a Timely Manner

The HA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. **However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.**

The change may be implemented based on documentation provided by the family, pending third-party written verification.

Procedures when the Change is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will

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apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to **sign a Repayment Agreement/make a lump sum payment**.

Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

Procedures when the Change is Not Processed by the HA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the HA in a timely manner.

In this case, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the HA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

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F. REPORTING OF CHANGES IN FAMILY COMPOSITION [24 CFR 982.516(c)]

All changes in family composition must be reported within **10** days of the occurrence.

Increases in Family Size

The HA will only approve an addition to the family composition resulting from birth, adoption, court-awarded custody, marriage/marital type relation, or a minor who is a member of the nuclear family who has been living elsewhere. All persons must meet the eligibility requirements for admission.

The HA will issue a larger Certificate or Voucher, or put the family on the Transfer List if needed, under the subsidy standards for additions to the family.

The HA may grant an exception in extreme hardship cases.

Families who need a larger Certificate or Voucher because of voluntary additions, will have lower priority on of the Transfer List than other families who are required to change unit size.

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G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

[24 CFR 5.518]

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:

1. *The HA implemented the Non-Citizen Rule prior to November 29, 1996 AND*
2. *The head of household or spouse is a U.S. citizen or has eligible immigrant status;
AND*
3. *All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants.
The family may change the head of household to qualify under this provision.*

If the HA implemented the Non-Citizen Rule on or after November 29, 1996, mixed families may receive prorated assistance only.

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Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the HA's jurisdiction, or to a unit outside of the HA's jurisdiction under Portability procedures. The regulations also allow the HA the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the HA's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the HA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family 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 family (unless assistance to the family will be terminated).
3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner) for owner breach or otherwise.

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B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552]

Families will not be permitted to move within the HA's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside the HA's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

The HA will deny permission to move if there is insufficient funding for continued assistance.

The HA **will** deny permission to move if:

The family has violated a Family Obligation.

The family owes the HA money.

The family has moved or been issued a Certificate or Voucher within the last twelve months.

The supervisor may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

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C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Certificate/Voucher

If the family has not been recertified within the last **120 calendar** days, the HA will issue the certificate or voucher to move **after conducting the recertification/as soon as the family requests the move.**

If the family does not locate a new unit, they may remain in the current unit so long as the owner *and family submit an RFLA, sign a new lease agreement, and a new HAP contract is executed.*

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and the HA proper written notice of any intent to move.

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the HA simultaneously.

For units under a Certificate HAP contract effective before October 2, 1995, if the family vacates the unit without proper notice in writing to the owner, the family will be responsible for any vacancy loss paid by the HA.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move **except that there will be no overlapping assistance.**

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

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D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the HA's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the initial HA's jurisdiction. The unit may be located:

1. In the same state as the initial HA;
2. In the same metropolitan statistical area (MSA) as the initial HA, but in a different state;
3. In an MSA adjacent to the MSA of the initial HA, but in a different state.
4. In the jurisdiction of an HA anywhere within the United States that administers a tenant based program.

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E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

When a family requests to move to outside of the HA's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one HA in the area in which the family has selected a unit, the HA will choose the receiving HA.

If the family is moving to a unit located in the same state as the initial HA, in the same MSA, but in a different state, or in an adjacent MSA in a different state, and there is not an HA in the area where the unit is located, the initial HA will be responsible for the administration of the family's assistance.

Restrictions on Portability

1. Families will not be permitted to exercise portability during the initial 12 month period after admission to the program, if neither the head or spouse had a domicile (legal residence) in the HA's jurisdiction at the date of their initial application for assistance **unless the receiving and initial HA agree to allow the move.** [NOTE: legal domicile is defined by local government.]
2. If the family is in violation of a family obligation.
3. If the family owes money to the HA.

Outgoing Portability Procedures

The HA will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, the HA will determine if the family is within the very low income limit of the receiving HA.

If the family is a participant and will be changing its form of assistance, the HA will determine if the family is within the low income limit of the receiving HA, and advise the family accordingly.

The HA will notify the Receiving HA that the family wishes to relocate into its jurisdiction.

The HA will advise the family how to contact and request assistance from the receiving HA.

The HA will notify the receiving HA that the family will be moving into its jurisdiction.

The HA will provide the following documents and information to the Receiving HA:

1. A copy of the family's Certificate or Voucher, with issue and expiration dates, formally

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acknowledging the family's ability to move under portability.

2. The most recent HUD 50058 form and verifications.

Current information related to eligibility and rent payments.

HA staff designated for inquiries on eligibility and billing.

The Administrative Fee Schedule for billing purposes.

The Receiving HA must notify the HA within **30** calendar days of the following:

- The Receiving HA decides to absorb the family into their own program.
- The family leases up or fails to submit a Request for Lease Approval by the required date.
- Assistance to a portable family is terminated by the Receiving HA.
- The family requests to move to an area outside the Receiving HA's jurisdiction.

Payment to the Receiving HA

The HA will requisition funds from HUD based on the anticipated lease-ups of portable Certificates or Vouchers in other HA's jurisdictions. Payments for families in other jurisdictions will be made to other HAs when billed or in accordance with other HUD approved procedures for payment.

When billed, the HA will reimburse the Receiving HA for 100% of the Housing Assistance Payment, 100% of the Special Claims paid on HAP contracts effective prior to 10/2/95, and 80% of the Administrative Fee (at the initial HA's rate).

Claims

The HA will be responsible for collecting amounts owed by the family for claims paid and for monitoring the repayment. The HA will notify the Receiving HA if the family is in arrears or if the family has refused to sign a Payment Agreement, and the Receiving HA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving HA's will be required to submit hearing determinations to the HA within **60 calendar** days.

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F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The HA will accept a family with a valid Certificate/Voucher from another jurisdiction and administer or absorb the Certificate/Voucher. If administering, the family will be issued a "Portability" Certificate or Voucher by the HA with the same start date. The HA may grant extensions in accordance with this Administrative Plan.

Incoming portable families who have not yet been absorbed will be absorbed before the HA selects new applicants from the Waiting List.

The HA will absorb incoming Certificates and Vouchers in cases where the Initial HA absorbs an equal number of the HA's outgoing Certificates/Vouchers.

The HA may absorb Certificates/ Vouchers if such absorption does not exceed **10%** of households assisted.

The HA will absorb all port-in families provided that there is funding available.

When the HA does not absorb the incoming Voucher or Certificate, it will administer the Initial HA's Voucher or Certificate and the HA's policies will prevail.

For initial lease-up, the family must be within the HA's Very-Low Income limits. For participants, the HA may issue either a Certificate or Voucher but if the form of assistance changes, the family must be within the HA's Low Income limits. If the family is ineligible under the HA's low income limit because the form of assistance offered causes the family to change programs, the HA must absorb the family without a change in the form of assistance, or administer the family without a change in the form or assistance, or administer the family's current form of assistance.

The HA will issue a "Portability Certificate" or "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition which would change the Certificate or Voucher size, the HA will change to the proper size based on its own Subsidy Standards.

The HA will decide whether to extend the "Portability Certificate/Voucher" and for what period of time. However, if the Family decides not to lease-up in the HA's jurisdiction, the Family must request an extension from the Initial HA.

For Old Rule contracts, the HA's unpaid rent, damage and vacancy loss claim policies prevail.

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Income and TTP of Incoming Portables

As receiving HA, the HA will conduct a recertification interview but only verify the information provided if the documents are missing or are over 120 calendar days old, whichever is applicable, or there has been a change in the family's circumstances.

If the family's income exceeds the income limit of the HA, the family will not be denied assistance unless the family is an applicant and over the Very-Low Income Limit.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the HA's jurisdiction, the HA will refuse to enter into a contract on behalf of the family at \$0 assistance.

Requests for Lease Approval

A briefing will be mandatory for all portability families.

When the Family submits a Request for Lease Approval, it will be processed using the HA's policies. If the Family does not submit a Request for Lease Approval or does not execute a lease, the Initial HA will be notified within **60 calendar** days by the HA.

If the Family leases up successfully, the HA will notify the Initial HA within **60 calendar** days, and the billing process will commence.

If the HA denies assistance to the family, the HA will notify the Initial HA within **60 calendar** days and the family will be offered a review or hearing.

The HA will notify the Family of its responsibility to contact the Initial HA if the Family wishes to move outside the HA's jurisdiction under continued portability.

Terminations

The HA will notify the Initial HA in writing of any termination of assistance within **60 calendar** days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the HA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial HA.

The Initial HA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial HA notifies the HA that the Family is in arrears or the Family has refused to sign a Payment Agreement, the HA will terminate assistance to the family.

Required Documents

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As Receiving HA, the HA will require the following documents from the Initial HA:

1. A copy of the family's Certificate or Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form and verifications.

Current information related to eligibility and rent payments.

HA staff designated for inquiries on eligibility and billing.

The Administrative Fee Schedule for billing purposes.

Billing Procedures

As Receiving HA, the HA will bill the Initial HA **monthly** for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be **monthly** unless requested otherwise by the Initial HA.

The HA will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial HA's rate) for each "Portability" Certificate/Voucher leased as of the first day of the month.

The HA will notify the Initial HA of changes in subsidy amounts and will expect the Initial HA to notify the HA of changes in the Administrative Fee amount to be billed.

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Chapter 14

CONTRACT TERMINATIONS

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the HA which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the HA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the HA may be terminated by the HA, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the HA to the owner after the month in which the Contract is terminated. The owner must reimburse the HA for any subsidies paid by the HA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the HA for vacancy loss under the provisions of Certificate HAP contracts effective before October 2, 1995.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The notice period to the landlord is determined by the lease, but may not exceed 60 days.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

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If the owner wishes to terminate the lease, the owner is required to evict, using the notice procedures in the HUD regulations and State/local law. The owner must provide the HA with a copy of the eviction notice.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The 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.

During the term of the lease the owner may only evict for:

1. Serious or repeated violations of the lease;
2. Violations of federal, state or local law related to occupancy of the unit;
3. Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.
4. Any drug-related criminal activity on or near the premises.
5. Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.
6. Other good cause, after the first year of the lease, includes:
 - Business or economic reason for regaining possession;
 - Owner's desire to repossess unit for personal use; or
 - Tenant's refusal to accept offer of a new lease.
7. If the lease is for successive definite terms, after the initial term, the owner can terminate tenancy at the end of the initial term or any successive term without cause.

The eviction notice must specify the cause for the eviction.

The HA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for

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the HA termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the HA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The HA will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide the HA with the documentation, including notice of the lock-out date.

The HA must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from the HA, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the HA has no other grounds for termination of assistance, the HA may issue a new certificate or voucher so that the family can move with continued assistance.

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D. TERMINATION OF THE CONTRACT BY HA

[24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the HA terminates program assistance for the family, and when the owner has breached the HAP contract.
(See Chapter 16/Disapproval of Owner)

The HA may also terminate the contract if:

- The HA terminates assistance to the family.

- The family is required to move from a unit which is under-occupied (Certificate Program) or overcrowded (Certificate and Voucher Programs).

- Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

The HA will provide the owner and family with at least thirty days written notice of termination of the contract.

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E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS

[24 CFR 5.514]

Families who were participants on June 19, 1995, but are ineligible for continued assistance due to the ineligible immigration status of all members of the family, or because a "mixed" family chooses not to accept proration of assistance, are eligible for temporary deferral of termination of assistance if necessary to permit the family additional time for transition to affordable housing.

- Deferrals may be granted for intervals not to exceed six months, up to an aggregate maximum of:

3 years for deferrals granted prior to 11/29/96, or
18 months for deferrals granted after 11/29/96

The family will be notified in writing at least 60 days in advance of the expiration of the deferral period that termination of assistance will not be deferred because:

- a) granting another deferral will result in an aggregate deferral period of longer than the statutory maximum (three years for deferrals granted before 11/29/96; 18 months for deferrals granted after 11/29/96), or
- b) a determination has been made that other affordable housing is available.

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Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE

INTRODUCTION

The HA may deny or terminate assistance for a family because of the family's action or failure to act. The HA will provide families with a written description of the Family Obligations under the program, the grounds under which the HA can deny or terminate assistance, and the HA's informal hearing procedures. This Chapter describes when the HA is required to deny or terminate assistance, and the HA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUND FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the HA will delay the denial or termination in order to determine if there is an accommodation which would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

1. Denial for placement on the HA waiting list
2. Denying or withdrawing a certificate or voucher
3. Refusing to enter into a HAP contract or approve a lease
4. Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

1. Refusing to enter into a HAP contract or approve a lease
2. Terminating housing assistance payments under an outstanding HAP contract
3. Refusing to process or provide assistance under portability procedures

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Mandatory Denial and Termination [24 CFR 982.552(b) (10)(d)]

The HA must deny assistance to applicants, and terminate assistance for participants:

1. If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information.
2. If no member of the family is a U.S. citizen or eligible immigrant.(See Chapter 14, Section E)
3. If the family is under contract and 180 days have elapsed since the HA's last housing assistance payment was made.
- D. If any member of the family is convicted of manufacturing or producing methamphetamine.

Grounds for Denial or Termination of Assistance [24 CFR 982.552 (b)]

The HA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

1. The family violates any family obligation under the program as listed in 24 CFR 982.551.
2. Any member of the family has ever been evicted from public housing.
3. The family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
4. The family has not reimbursed any HA 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.
5. The family breaches an agreement with an HA to pay amounts owed to an HA, or amounts paid to an owner by an HA.
6. The family has engaged in or threatened abusive or violent behavior toward HA personnel.

"Abusive or violent behavior towards HA personnel" includes verbal as well as

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physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

"Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

7. Any member of the family whose drug or alcohol abuse interferes with health, safety or peaceful enjoyment of other project residents.
8. Crime by family member, such as:
 - Fraud, bribery or other corrupt or criminal act in federal housing program
 - Drug-related criminal activity (as defined in law)
 - Violent criminal activity (as defined by rule) Criminal use of physical force against person or property
9. HA must find elements of covered crime by civil standards and with a preponderance of evidence. HA is not required to show crime beyond reasonable doubt.

Family Self Sufficiency (FSS)

Failure to fulfill the obligations and conditions of the FSS contract is grounds for termination of assistance.

The HA may terminate assistance for FSS families who fail to comply with the FSS Contract of Participation without good cause.

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B. FAMILY OBLIGATIONS [24 CFR 982.551]

1. The family must supply any information that the HA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 812). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by the HA 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 24 CFR part 750) and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.
4. All information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 982.404(b).
6. The family must allow the HA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violations of the lease.
8. The family must notify the owner and, at the same time, notify the HA before the family moves out of the unit or terminates the lease upon notice to the owner.
9. The family must promptly give the HA a copy of any owner eviction notice.
10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
11. The composition of the assisted family residing in the unit must be approved by the HA. The family must promptly inform the HA of the birth, adoption or court-awarded custody of a child. The family must request HA approval to add any other family member as an occupant of the unit.
12. The family must promptly notify the HA if any family member no longer resides in the unit.
13. If the HA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or HA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
14. 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 as a residence by members

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of the family.

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15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the HA to verify that the family is living in the unit, or relating to family absence from the unit, including any HA-requested information or certification on the purposes of family absences. The family must cooperate with the HA for this purpose. The family must promptly notify the HA of absence from the unit.
18. The family must not own or have any interest in the unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
20. The members of the family may not engage in drug-related criminal activity or violent criminal activity.
21. 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.

Housing Authority Discretion

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The HA will use its discretion in reviewing, the extent of participation or culpability of individual family members, the length of time since the violation occurred. The HA may also review the family's more recent history and record of compliance, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

The HA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The HA may permit the other members of a family to continue in the program.

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Enforcing Family Obligations

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within **10 calendar** days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach: The **inspector** will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by **supervisor**.

Lease Violations: The following criteria will be used to decide if a serious or repeated violation of the lease will result in a termination of assistance:

If the owner terminates tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the HA determines that the cause is a serious or repeated violation of the lease based on available evidence.

If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and

If there are police reports, neighborhood complaints or other third party information, that has been verified by the HA.

Notification of Eviction: If the family requests assistance to move and they did not notify the HA of an eviction within **10 calendar** days of receiving the Notice of Lease Termination, the move will be denied.

Proposed additions to the family: The HA **will** deny a family's request to add additional family members who are:

Persons who have been evicted from public housing.

Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations.

Persons who have been part of a family whose assistance has been terminated under

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the Certificate or Voucher program.

Persons who commit drug-related criminal activity or violent criminal activity.

Persons who do not meet the HA's definition of family.

Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

Persons who currently owe rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

Persons who have engaged in or threatened abusive or violent behavior toward HA personnel.

Family Member moves out: Families are required to notify the HA if any family member leaves the assisted household. When the family notifies the HA, they must furnish the following information.

The date the family member moved out.

The new address, if known, of the family member.

A statement as to whether the family member is temporarily or permanently absent.

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Limitation on Profit-making Activity in Unit:

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If the HA determines that the use of the unit as a business is not incidental to its use as a dwelling unit.

If the HA determines the business is not legal.

Interest in Unit: The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Certificate Program.

Fraud: In each case, the HA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claims, the HA will give the family member the opportunity to elect not to contend their status in lieu of termination of the entire family.

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Drug Related and Violent Criminal Activity

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Drug-related criminal activity means *on or off the premises, not just on or near the premises*.

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and

The activity is being engaged in by any Family member.

Ineligibility if Evicted for Drug-Related Activity

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to Section 8 programs for a three-year period beginning on the date of such eviction.

The HA will waive this requirement if:

- A. The person demonstrates successful completion of a rehabilitation program approved by the HA, or**
- E. The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.**

Applicants will be denied assistance if they have been:

Arrested, convicted, or evicted from a unit assisted under the Housing Act of 1937 **due to violent criminal activity within the last 3 years prior to the date of the certification interview.**

Participants may be terminated who have been:

Arrested, convicted, evicted from a unit assisted under the Housing Act of 1937 **due to drug-related or violent criminal activity within the last 3 years prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.**

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If the family violates the lease for drug-related or violent criminal activity, the HA will terminate assistance.

In appropriate cases, the HA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HA may consider individual circumstances with the advice of Juvenile Court officials.

Screening Out Illegal Drug Users and Alcohol Abusers

The HA will deny participation in the program to applicants in cases where the HA determines there is reasonable cause to believe that the person is illegally using a controlled substance, or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. This includes cases where the HA determines that there is a *pattern* of illegal use of a controlled substance, or *pattern* of alcohol abuse.

The HA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 6 months.

The HA will waive this policy if the person demonstrates to the HA's satisfaction that the person is no longer engaging in the illegal use of a controlled substance or abuse of alcohol, and:

- A. Has successfully completed a supervised drug or alcohol rehabilitation program;**
- 6. Has otherwise been rehabilitated successfully; or**
- 7. Is participating in a supervised drug or alcohol rehabilitation program.**

Confidentiality of Criminal Records

The HA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

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Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

1. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
 - *Credible evidence* may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The HA may will pursue fact-finding efforts as needed to obtain credible evidence.

Notice of Termination of Assistance

In any case where the HA decides to terminate assistance to the family, the HA must give the family written notice which states:

9. The reason(s) for the proposed termination,
 - The effective date of the proposed termination,
10. The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
 - 👉 The date by which a request for an informal hearing must be received by the HA.

The HA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

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C. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Termination due to Ineligible Immigrant Status

Participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The HA must offer the family an opportunity for a hearing. (See Chapter 2, Section D.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Temporary Deferral of Termination of Assistance

Ineligible families who were participants as of June 19, 1995, may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

Temporary deferral of termination of assistance is also available to mixed families who were participants on June 19, 1995, who elect not to accept prorated assistance, and are not eligible for Continued Assistance. (See Chapter 14, "Contract Terminations.") The HA must allow the mixed family time to find housing for ineligible members or for the entire family by deferring the termination.

Mixed families who choose temporary deferral of termination of assistance may change to prorated assistance at the end of any deferral period, if they have made a good-faith effort to locate housing. (See Chapter 12, Section G.)

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Criteria for Approving Temporary Deferral of Termination of Assistance Due to Ineligible Immigration Status

The HA will grant temporary deferral so long as the family makes reasonable efforts to find affordable housing **and the Consolidated Plan indicates that the market lacks sufficient affordable housing.**

Affordable housing is defined as housing that is standard **based upon HQS**, of appropriate size **based on HQS**, and for which the rent plus utilities is no more than 25% greater than the HA- calculated Total Tenant Payment.

To determine whether a family is eligible for temporary deferral of termination of assistance, or for a renewal of temporary deferral of termination of assistance, the HA will:

The initial deferral interval shall be granted on the family's request. Subsequent requests for deferral shall be granted on the basis of the family's statement that they are making efforts to find affordable housing, so long as the supply of affordable housing in the area remains low as determined by comparing 125% of Total Tenant Payment to the data in the HA's Rent Reasonableness System.

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Length of Deferral

The initial temporary deferral is granted for an interval not to exceed six months. Additional deferrals can be made up to a maximum of three years, if the initial deferral was granted prior to 11/29/96. For deferrals granted after 11/29/96, additional deferrals may be made up to an aggregate total of 18 months. A notice is sent to the family at the beginning of each deferral period reminding them of their ineligibility for full assistance and their responsibility to seek other housing.

The family will be notified in writing sixty days before the end of the maximum deferral period that there cannot be another deferral, and will be offered the option of prorated assistance if they are a mixed family and have made a good-faith effort to locate affordable housing.

False or Incomplete Information

When the HA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the HA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The HA will then verify eligible status, deny, terminate, or prorate as applicable.

The HA will deny or terminate assistance based on the submission of false information or misrepresentations.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the HA either after the INS appeal or in lieu of the INS appeal.

After the HA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

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D. \$0 ASSISTANCE TENANTS [24 CFR 982.455 (a)]

HAP Old Contracts Prior to 10/2/95

For contracts which were effective prior to 10/2/95, the HA is liable for unpaid rent and damages if the family vacates during the allowable 12 months after the last HAP payment. The HA must perform all of the functions normally required, such as reexaminations and inspections. The participant will be notified of the right to remain on the program at \$0 assistance for 12 months. If the family is still in the unit after 12 months, the assistance will be terminated. In order for the family to move to another unit during the 12 month period, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

HAP New Contracts On or After 10/2/95

For contracts effective on or after 10/2/95, the HA has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day time frame, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the HA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

E. OPTION NOT TO TERMINATE FOR MISREPRESENTATION

[24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the HA to overpay assistance, the HA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses the HA in full.

F. MISREPRESENTATION IN COLLUSION WITH OWNER

[24 CFR 982.551, 982.552 (c)]

If the family is intentionally willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the HA **will** deny or terminate assistance.

In making this determination, the HA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

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G. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the HA to fulfill its responsibilities. The HA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the HA to inspect the unit and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the HA may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the HA to inspect the unit.

The family will be given information about the requirement to keep appointments, and the number of times appointments will be rescheduled as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

1. Eligibility for Admissions
2. Verification Procedures
3. Certificate/Voucher Issuance and Briefings
4. Housing Quality Standards and Inspections
5. Recertifications
6. Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency**
- Family emergency**

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given **two** opportunities before being issued a notice of termination or denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing:

The notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance.

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Chapter 16

OWNER DISAPPROVAL AND RESTRICTION

INTRODUCTION

It is the policy of the HA to recruit owners to participate in the Certificate and Voucher program. The HA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the HA. The regulations define when the HA must disallow an owner participation in the program, and they provide the HA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

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A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The HA will disapprove the owner for the following reasons:

- HUD or other agency directly related has informed the HA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

- HUD has informed the HA that 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.

- HUD has informed the HA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligations to maintain the unit to HQS, including any standards the HA has adopted in this policy.

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

The owner has engaged in drug trafficking.

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.

The owner has a history or practice of renting units that fail to meet State or local housing codes.

The owner has not paid State or local real estate taxes, fines or assessments.

The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

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B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.302(a)(8), 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the HA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The HA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the HA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

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Chapter 17

CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS (For HAP Contracts Effective Before October 2, 1995)

INTRODUCTION

This Chapter describes the HA's policies, procedures and standards for servicing HAP Contracts which were effective before October 2, 1995. Certificate and Voucher contracts in this category have provisions for the HA's liability to owners when families move out. Vouchers and Certificates have a provision for damages, and Certificates, in addition, have a provision for vacancy loss.

A. OWNER CLAIMS

Under HAP Contracts effective prior to October 2, 1995, owners may make "special claims" for damages, unpaid rent, and vacancy loss (vacancy loss cannot be claimed in the Voucher Program) after the tenant has vacated the unit.

Owner claims for payment for unpaid rent, damages, or vacancy loss will be reviewed for accuracy and completeness and compared with records in the file. The HA establishes standards by which to evaluate claims, but the burden of proof rests with the owner.

If vacancy loss is claimed, the HA will ascertain whether or not the family gave proper notice of its intent to move. The file will also be reviewed to verify owner compliance at the time the contract was terminated.

The HA will pay properly filed claims to the owner as a function of the contract, but the tenant is ultimately responsible to reimburse the HA for claims paid to the owner.

B. UNPAID RENT

Unpaid rent only applies to the tenant's portion of rent while the tenant is in residence under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP Contract.

Separate agreements are not considered a tenant obligation under the lease and the HA will not reimburse the owner for any claims under these agreements.

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C. VACANCY LOSS IN THE CERTIFICATE PROGRAM

Vacancy Loss is applicable to the Certificate Program only. Vacancy loss is paid if the move was in violation of the notice requirements in the lease, or the result of an eviction.

In order to claim vacancy loss, the unit must be available for lease and the landlord must:

1. Notify the HA within **48** hours upon learning of the vacancy, or prospective vacancy, and
2. Pursue all possible activities to fill the vacancy, including, but not limited to:
 - a. Contacting applicants on the owner's waiting list, if any;
 - b. Seeking eligible applicants by listing the unit with the HA,
 - c. Advertising the availability of the unit, and
 - d. Not rejecting potentially eligible applicants except for good cause.

In the event that a unit becomes vacant because of death, the HA will permit the owner to keep the HAP for the month in which the tenant died.

If the tenant moves *after* the date given on their notice of intent to vacate, the landlord may claim vacancy loss by providing acceptable documentation that there was a bona fide prospective tenant to whom the unit could have been rented.

All claims for damages must be supported by the actual bills for materials and labor and a copy of the canceled checks or other receipts documenting payment. Estimates are not acceptable.

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Persons making repairs or replacements must be licensed to do business in the HA's jurisdiction.

Reasonableness of costs will be based on the Means/Home Tech Cost Estimating Guide. Reimbursement for replacement of items such as carpets, drapes, or appliances, are based on depreciation schedules in general use by this HA.

The HA may require verification of purchase date, quality, and price of replaced items in order to calculate depreciation.

Eligible items to be included on the damage claim must have been a tenant responsibility under the lease or State law.

Claims for unpaid utility bills cannot be approved as part of a claim.

Claims for normal wear and tear, previously existing conditions, routine turnover preparation, **cleaning and cyclical interior painting** are not paid.

The HA may inspect the unit to verify that repairs were made.

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D. MOVE-OUT AND CLOSE-OUT INSPECTIONS

Move-out inspections are performed after the tenant has vacated the unit. These inspections are performed to assess the condition of the unit, not to evaluate the HQS. Vacate inspections will be conducted by an inspector.

There will be no move-out inspections of units with contracts effective on or after October 2, 1995.

The HA's initial inspection of the unit will include a "conditions" report which will be compared to the conditions found during the move-out inspection.

The owner must notify the HA of the move-out and request an inspection within 48 hours of learning of the move-out in order to submit a claim for damages.

If the contract was terminated due to owner breach, or the owner was in violation of the contract at the time that it was terminated, there will be no entitlement to claims and therefore no inspection.

The owner and tenant will be notified of the date and time of the inspection. If the owner is not present, the move-out inspection will not be rescheduled.

The HA will not conduct a move-out inspection on tenant's request if the owner does not also request an inspection.

A damage claim will not be approved unless the move-out inspection is requested and completed prior to any work being done.

In the event that the HA is unable to inspect within 2 business days, the owner will be permitted to use date-stamped photographs to substantiate the claim.

E. PROCESSING CLAIMS

Any amount owed by the tenant to the owner for unpaid rent or damages will first be deducted from the maximum security deposit which the owner could have collected under the program rules. If the maximum allowable security deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts which the family owes under the lease, the owner may request reimbursement from the HA up to the limits for each program.

If the owner claims vacancy loss, the security deposit that s/he collected or could have collected **will**

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not be deducted from the vacancy loss claim.

MAXIMUM PHA LIABILITY: The HA is limited in the amount of money it can pay for damages to an owner. The maximum liabilities are as follows:

Certificates: Two month's contract rent less the amount that was collected or should have been collected as a security deposit, whichever is greater.

Vouchers: One month's contract rent less security deposit.

To request reimbursement *owners are encouraged* to obtain and submit a judgement from Small Claims Court. The Housing Authority will then pay based on the judgement, up to the maximum HA liability.

Filing the Small Claims case:

1. If you do not have a current address for the resident, you may call and request to be notified when one is received by the HA. Once a new address is known, we will notify you. At this point, you will need to obtain a subpoena and serve the Housing Authorities as the 'keeper of the records.' We will notify you within 48-72 hours of the resident's new address. Return the address to Small Claims Court and they will proceed with serving the resident.
2. If the resident does not continue with the Section 8 Program upon vacating your unit, and a new address cannot be obtained, submit your request for damages **ALONG WITH ALL RECEIPTS FOR WORK PERFORMED**, to the HA for processing. (NOTE: In these situations, a maximum of two month's, unpaid resident portion of rent can be included as part of the damage claim.)

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Vacancy Loss:

Vacancy loss may be given in the following instances:

1. When a tenant moves without serving proper notice (certificates only)
2. In lieu of court costs for legal evictions
3. For court costs for filing a Small Claims cases

At no time shall the vacancy loss paid be more than 80% of one month's contract rent.

If you feel you are entitled to a vacancy loss, submit your written request along with the reason for entitlement to the HA for consideration.

After a determination has been made, the HA will notify the family in writing of the decision. If it has been determined that the family owes money, the HA will pursue collection to repay either in a lump sum or through a payment agreement. The notice will warn the family that their assistance may be terminated and they may be denied future participation in the program if they do not reimburse the HA as required.

Other Requirements for Claims Processing

All unpaid rent, damage, and vacancy loss claim forms must be fully complete when they are submitted, and they must be submitted within **5 calendar** days of the date the owner learned of the move-out.

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Chapter 18

OWNER OR FAMILY DEBTS TO THE HA

INTRODUCTION

This Chapter describes the HA's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the HA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the HA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the HA, the HA will make every effort to collect it. The HA will use a variety of collection tools to recover debts including, but not limited to:

Requests for lump sum payments

Civil suits

Payment agreements

Abatements

Reductions in HAP to owner

Collection agencies

Credit bureaus

Income tax set-off programs

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A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 792.103, 982.552 (b)(6-8)]

A Payment Agreement as used in this Plan is a document entered into between the HA and a person who owes a debt to the HA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the HA upon default of the agreement.

The maximum amount for which the HA will enter into a payment agreement with a family is \$2,500.00.

The maximum length of time the HA will enter into a payment agreement with a family is 3 years.

The minimum monthly amount of monthly payment for any payment agreement is \$25.00.

The HA will use a sliding scale system to determine the monthly payment.

Payment Schedule for Monies Owed to the HA

<u>Initial Payment Due</u> <u>(% of Total Amount)</u>	<u>Amount Owed</u>	<u>Maximum Term</u>
30% to 35%	0 - \$500	3 - 6 months
30% to 35%	\$501 - \$1,000	6 - 10 months
20% to 30%	\$1,001 - \$2,500	12 - 18 months

There are some circumstances in which the HA will not enter into a payment agreement. They are:

If the family already has a Payment Agreement in place.

If the HA determines that the family committed program fraud.

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B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the HA for claims paid to an owner:

The HA will review the circumstances resulting in the overpayment and decide whether *the family must pay the full amount or enter into a repayment agreement.*

Late Payments

A payment will be considered to be in arrears if:

The payment is not received by the close of the business day 5 calendar days after the due date.

If the family's payment agreement is in arrears, the HA may:

**Require the family to pay the balance in full
Pursue civil collection of the balance due
Terminate the housing assistance
Grant an extension of 30 calendar days**

If the family requests a move to another unit and has a payment agreement in place for the payment of an owner claim, and the payment agreement is not in arrears:

The family will be required to pay the balance in full prior to the issuance of a certificate or voucher.

If the family requests a move to another unit and is in arrears on a payment agreement for the payment of an owner claim:

If the family pays the balance in full, they will be permitted to move.

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C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

- Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the HA due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for program fraud, below.

Program Fraud

Families who owe money to the HA due to program fraud will be required to repay in accordance with *the guidelines in the Payment Agreement Section of this Chapter.*

If a family owes an amount which equals or exceeds **\$10,000.00** as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the HA will refer the case for criminal prosecution.

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Payment Procedures for Program Fraud

Families who commit program fraud will be subject to the following procedures:

The amount of the monthly payment will be determined in accordance with the Payment Schedule in Section A - Payment Agreement for Families.

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D. GUIDELINES FOR PAYMENT AGREEMENTS [24 CFR 982.552(b)(8)]

Payment Agreements will be executed between the HA and the head of household and spouse.

A *Payment Agreement* will be considered to be in *default when it is in arrears* if the payment is not received by the close of the business day five calendar days after the due date.

Monthly payments may be decreased in cases of family hardship and *if requested with reasonable notice* from the family, verification of the hardship, and the approval of the supervisor.

No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the *Payment Agreement* is current:

Family size exceeds the HQS maximum occupancy standards

The HAP contract is terminated due to owner non-compliance or opt-out

A natural disaster

Undue hardship, at HA discretion

Additional Monies Owed: If the family already has a Payment Agreement in place and incurs an additional debt to the HA:

The HA will not enter into more than one Payment Agreement with the family.

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E. OWNER DEBTS TO THE HA [24 CFR 982.453(b)]

If the HA determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the HA may reclaim the amounts from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, the HA will:

Require the owner to pay the amount in full within 30 calendar days and/or,

Enter into a Payment Agreement with the owner for the amount owed and/or,

Pursue collections through the local court system and/or,

Restrict the owner from future participation at HA discretion.

F. WRITING OFF DEBTS

Debts will be written off if:

The debtor's whereabouts are unknown and the debt is more than 7 years old.

A determination is made that the debtor is judgment proof.

The debtor is deceased.

The debtor is confined to an institution indefinitely or for more than 7 years.

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Chapter 19

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the HA. This Chapter describes the policies, procedures and standards to be used when families disagree with an HA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the HA to ensure that all families have the benefit of all protections due to them under the law.

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A. COMPLAINTS TO THE HA

The HA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The HA **may** require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

Categories of Complaints

1. Complaints from families: If a family disagrees with an action or inaction of the HA or owner.

Complaints from families will be referred to supervisor.

2. Complaints from owners: If an owner disagrees with an action or inaction of the HA or a family.

Complaints from owners will be referred to supervisor.

3. Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules.

*** Complaints from staff will be referred to supervisor.**

4. Complaints from the general public: Complaints or referrals from persons in the community in regard to the HA, a family or an owner.

*** Complaints from the general public will be referred to supervisor.**

The HA hearing procedures will be provided to families in the briefing packet.

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B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS

[24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

When the HA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible,

- The procedure for requesting a review if the applicant does not agree with the decision

- and

- The time limit for requesting a review.

The HA must provide applicants with the opportunity for an Informal Review of decisions denying:

Qualification for preference

Listing on the HA's waiting list
Issuance of a Certificate or Voucher
Participation in the program

Informal Reviews are not required for established policies and procedures and HA determinations such as:

1. Discretionary administrative determinations by the HA
2. General policy issues or class grievances
3. A determination of the family unit size under the HA subsidy standards
4. Refusal to extend or suspend a Certificate or Voucher
5. Disapproval of lease
6. Determination that unit is not in compliance with HQS
7. Determination that unit is not in accordance with HQS due to family size or composition

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Procedure for Review

A request for an Informal Review must be received **in writing** by the close of the business day, no later than **30 calendar** days from the date of the HA's notification of denial of assistance. The informal review will be scheduled within **30 calendar** days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by:

An individual from outside the HA

The applicant will be given the option of presenting oral or written objections to the decision. Both the HA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The review may be conducted by mail and/or telephone if acceptable to both parties.

A Notice of the Review findings will be provided in writing to the applicant within **10 calendar** days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

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C. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]

When the HA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The HA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the HA;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the HA's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.

To whom the hearing request should be addressed

A copy of the HA's Hearing Procedures

The HA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following HA determinations:

1. Determination of the family's annual or adjusted income and the computation of the housing assistance payment
2. Appropriate utility allowance used from schedule
3. Family unit size determination under HA subsidy standards
4. Determination that Certificate program family is underoccupied in their current unit and a request for exception is denied
5. Determination to terminate assistance for any reason.
6. Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account.
7. Determination not to reduce a family's portion of rent because of 1) family's noncompliance with welfare requirements or 2) welfare fraud.

The HA must always provided the opportunity for an informal hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and HA determinations such as:

1. Discretionary administrative determinations by the HA.

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2. General policy issues or class grievances.
3. Establishment of the HA schedule of utility allowances for families in the program.
4. An HA determination not to approve an extension or suspension of a certificate or voucher term
5. An HA determination not to approve a unit or lease
6. An HA determination that an assisted unit is not in compliance with HQS (HA must provide hearing for family breach of HQS because that is a family obligation determination)
7. An HA determination that the unit is not in accordance with HQS because of the family size
8. An HA determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is the HA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the HA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the HA receives a request for an informal hearing, a hearing shall be scheduled within **60 calendar** days. The notification of hearing will contain:

1. The date and time of the hearing
2. The location where the hearing will be held
3. The family's right to bring evidence, witnesses, legal or other representation at the family's expense
4. *The right to view any documents or evidence in the possession of the HA upon which the HA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. **Requests for such documents or evidence must be received no later than 10 calendar days before the hearing date.***
5. *A notice to the family that the HA will request a copy of any documents or evidence the family will use at the hearing. **Requests for such documents or evidence must be received no later than calendar days before the hearing date.***

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The HA's Hearing Procedures

After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the

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health, safety or welfare of the family.

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the HA within 24 hours, excluding weekends and holidays. The HA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the HA's determination.
- Examine the documents in the file which are the basis for the HA's action, and all documents submitted to the Hearing Officer;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue of the hearing;
- Request that HA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the HA will make the copies for the family and assess a charge of \$.50 for the first page and \$.30 per page thereafter, plus \$20 per hour for staff time or \$5 per quarter hour or fraction thereof. In no case will the family be allowed to remove the file from the HA's office.

In addition to other rights contained in this Chapter, the HA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the HA who is neither the

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person who made or approved the decision, nor a subordinate of that person. The HA appoints hearing officers who may be:

Trained volunteers

Managers from other departments in the government of the jurisdiction

Managers from other HAs

Professional mediators or arbitrators employed by the county Bar Association, a mediation, dispute resolution, or arbitration service, or trained volunteers.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" include records and regulations.

The family must request an audio recording of the hearing, if desired, 10 calendar days prior to the hearing date.

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the HA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the HA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the HA and the family within **15 business** days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed; and
- *Documentation of the calculation of monies owed;* and

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- The date the decision goes into effect.

The HA is not bound by hearing decisions:

- Which concern matters in which the HA is not required to provide an opportunity for a hearing
- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The HA shall send a letter to the participant if it determines the HA is not bound by the Hearing Officer's determination within **15 business** days. The letter shall include the HA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

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D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the HA hearing is pending but assistance to an applicant may be delayed pending the HA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the HA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the HA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the HA a copy of the appeal and proof of mailing or the HA may proceed to deny or terminate. The time period to request an appeal may be extended by the HA for good cause.

The request for an HA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in Section D of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the HA will:

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral
- Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the HA will offer to prorate assistance or give the family the option to remove the ineligible members.

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All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

E. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the HA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

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Chapter 20

SPECIAL HOUSING TYPES

[24 CFR 982.601]

INTRODUCTION

The HA will permit the use of any special housing types in its program only if the applicant/participant can demonstrate that it is needed as a reasonable accommodation for a person with a disability. Acceptable demonstration will include documentation from one or more knowledgeable professionals who are familiar with the applicant/participant and or the type of special housing requested as accommodation.

The HA will not set aside any program funding for special housing types, or for a special housing type. A family may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

Verification of Need for Reasonable Accommodation

An example of acceptable documentation as verification of the need for reasonable accommodation would be a letter to the HA describing how the special housing type requested provides the accommodation that the person is in need of. The request and documentation will be reviewed by a supervisor and a written response stating approval or disapproval will be sent to the applicant/participant within 10 business days of receipt of the request.

A copy of the HA's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

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A. SINGLE ROOM OCCUPANCY [24 CFR 982.602]

The HA and the general local government will certify to HUD that the property meets applicable local health and safety standards for SRO housing before approving any SRO unit.

The HA will use a separate lease and housing assistance payment contract for each assisted person residing in a SRO. [24 CFR 982.603]

SRO Rent and Housing Assistance Payment [24 CFR 982.604]

Regular Certificate Program

The FMR/exception rent limit for SRO housing is 75 percent of the zero bedroom FMR/exception rent limit. For a Regular Tenancy in the Certificate Program, the initial gross rent may not exceed the FMR/exception rent limit for SRO housing.

Voucher Program

The HA SRO payment standard will not exceed the FMR/exception rent limit for SRO housing. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

OFTO Program

If an assisted person resides in an SRO with assistance under the OFTO program, the payment standard for the person is the SRO FMR/exception rent limit.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

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Housing Quality Standards

The HA will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR 982.605.

B. CONGREGATE HOUSING [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit.

The HA may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The HA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract [24 CFR 982.607]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the FMR/exception rent limit for a family that resides in a congregate housing unit is the zero-bedroom FMR/exception rent limit.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the FMR/exception rent limit for a family that resides in a congregate housing unit is the one bedroom FMR/exception rent limit.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Housing Quality Standards

The HA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

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C. GROUP HOMES [24 CFR 982.610]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.[24 CFR 982.612]

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the HA, a live-in aide may reside with a person with disabilities.

The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

The HA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any HA-approved live-in Aide.

Group Home Rent and HAP Contract [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the HA will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Maximum Subsidy

*Unless there is a live-in aide, the family unit size is **one bedroom**. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.*

In a Regular Tenancy for a person who resides in a group home, the initial gross rent may not

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exceed either the FMR/exception rent limit for the family unit size or the pro-rata portion of the FMR/exception rent limit for the group home size.

For a Voucher Tenancy, the payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard for the group home size.

For the OFTO Program, the payment standard for a person who resides in a group home is the lower of the FMR/exception rent limit for the family unit size; or the pro-rata portion of the FMR/exception rent limit for the group home size.

Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Housing Quality Standards

The HA will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

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D. SHARED HOUSING [24 CFR 982.615]

Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The HA may approve a live-in aide to reside with a family in order to care for a person with a disability. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the HA. However, housing assistance may not be paid on behalf of an owner. The HA will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in Chapter Eleven, Section E.

Maximum Subsidy

For the Regular Tenancy program the initial gross rent may not exceed either the FMR/exception rent limit for the family unit size or the pro-rata portion of the FMR/exception rent limit for the shared housing unit size.

For the Voucher Program or OFTO Tenancy the payment standard is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard for the shared housing unit size.

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If the HA approves a live-in aide, the live-in aide will be counted in determining the family unit size.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The HA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

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E. COOPERATIVE HOUSING [24 CFR 982.619]

The HA will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families. The HA will not approve assistance for a family in cooperative housing until the HA has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with Chapter Eleven, Section E. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperatives debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in Chapter Eleven, Section H.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations on rent to owner. The housing assistance payment will be determined in accordance with the guidelines in Chapter Eleven.

The HA may approve a live-in aide to reside with the family to care for a person with disabilities. The HA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the HA approves a live-in aide, the live-in aide will be counted when determining the family unit size.

Housing Quality Standards

The HA will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in Chapter Ten and regulated by 24 CFR 982.401.

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F. MANUFACTURED HOMES [24 CFR 982.620]

*The HA will permit a family to lease a manufactured home and space with assistance under the program. The HA **will** provide assistance for a family that owns the manufactured home and leases only the space.*

The HA may approve a live-in aide to reside with a family to care for a person with disabilities. The HA will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the HA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in Chapter Ten and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the HA.

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The HA will not approve a lease for a manufactured home space until the HA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HA will redetermine that the rent is reasonable.

The HA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The HA will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the HA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the HA, the owner must provide the HA information on rents for other manufactured home spaces.

Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]

The FMR for a manufactured home space will be determined by HUD. Exception rents do not apply.

HAP for the Regular Tenancy Program

For the Regular Tenancy Program the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.

During the term of tenancy for the Regular Tenancy Program the amount of the monthly housing assistance payment equals the lesser of:

The manufactured home space cost minus the higher of: the Total Tenant Payment; or the HA's Minimum Rent; OR

The rent to owner for the manufactured home space.

"Manufactured home space cost" means the sum of: the amortization cost, the utility allowance, and the rent to owner for the manufactured home space.

HAP for the Voucher or OFTO Tenancy

For a Voucher or OFTO tenancy, the payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard for a family renting a manufactured home space is the published FMR for manufactured home space rental. The payment standard will be determined by the HA in accordance with this Admin Plan.

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Subsidy Calculation for the Voucher Program

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of: the amortization cost, the utility allowance, and the payment standard; OR

The monthly gross rent for the manufactured home space minus the minimum rent. For the Voucher program the minimum rent is the higher of: 10 percent of monthly gross income, or the HA's minimum rent.

Subsidy Calculation for the OFTO Program

During the term of an OFTO tenancy, the amount of the monthly housing assistance payment for a family equals the lesser of:

An amount obtained by subtracting the family's Total Tenant Payment from the sum of: the amortization cost, the utility allowance, and the payment standard; OR

The monthly gross rent for the manufactured home space minus the HA's minimum rent.

Amortization Cost

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the HA determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

*The HA **will** approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.*

*The HA **will not** include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.*

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Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The HA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

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PROGRAM INTEGRITY ADDENDUM

[24 CFR 792.101 to 792.204, 982.54]

INTRODUCTION

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The HA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The HA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the HA's policies for the prevention, detection and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the HA undertake an inquiry or an audit of a participating family arbitrarily. The HA's expectation is that participating families will comply with HUD requirements, provisions of the certificate or voucher, and other program rules. The HA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the HA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the HA's attention, to investigate such claims.

The HA will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

- 1. Referrals, Complaints, or Tips.** *The HA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains*

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at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.

2. ***Internal File Review.*** *A follow-up will be made if HA staff discovers (as a function of a certification or recertification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the HA's knowledge of the family, or is discrepant with statements made by the family.*

3. ***Verification of Documentation.*** *A follow-up will be made if the HA receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).*

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B. STEPS THE HA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The HA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

- 1. **Things You Should Know.** This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the HA's expectations for cooperation and compliance.*
- 2. **Program Orientation Session.** Mandatory orientation sessions will be conducted by the HA staff for all prospective program participants, either prior to or upon issuance of a certificate or voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.*
- 3. **Resident Counseling.** The HA will routinely provide participant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.*
- 4. **Review and explanation of Forms.** Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.*
- 5. **Use of Instructive Signs and Warnings.** Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse*
- 6. **Participant Certification.** All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.*

C. STEPS THE HA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The HA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

- 1. **Quality Control File Reviews.** Prior to initial certification, and at the completion of all subsequent recertifications, **5% of files** will be reviewed. Such reviews shall include, but*

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are not limited to:

Assurance that verification of all income and deductions is present.
Changes in reported Social Security Numbers or dates of birth.
Authenticity of file documents.
Ratio between reported income and expenditures.
Review of signatures for consistency with previously signed file documents.
All forms are correctly dated and signed.

2. ***Observation.*** *The HA Management and Staff will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.*

Observations will be documented in the family's file.

3. ***Public Record Bulletins*** may be reviewed by Management and Staff.
4. ***State Wage Data Record Keepers.*** *Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits*
5. ***Credit Bureau Inquiries.*** *Credit Bureau inquiries may be made (with proper authorization by the participant) in the following circumstances:*

At the time of final eligibility determination

When an allegation is received by the HA wherein unreported income sources are disclosed.

When a participant's expenditures exceed his/her reported income, and no plausible explanation is given.

D. THE HA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

*The HA staff will encourage all participating families to report suspected abuse to **management**. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The **HA** will not*

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follow up on allegations which are vague or otherwise non-specific. They will only review allegations which contain one or more independently verifiable facts.

1. File Review. *An internal file review will be conducted to determine:*

If the subject of the allegation is a client of the HA and, if so, to determine whether or not the information reported has been previously disclosed by the family.

It will then be determined if the HA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

2. Conclusion of Preliminary Review. *If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the HA will initiate an investigation to determine if the allegation is true or false.*

E. OVERPAYMENTS TO OWNERS

The HA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the HA or the tenant, as applicable.

F. HOW THE HA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the HA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the HA will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries. *In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.*

Verification of Credit. *In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.*

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Employers and Ex-Employers. *Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.*

Neighbors/Witnesses. *Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the HA's review.*

Other Agencies. *Investigators, case workers or representatives of other benefit agencies may be contacted.*

Public Records. *If relevant, the HA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.*

Interviews with Head of Household or Family Members. *The HA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate HA office. A high standard of courtesy and professionalism will be maintained by the HA staff person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.*

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G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE HA

Documents and other evidence obtained by the HA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among HA Staff unless they are involved in the process, or have information which may assist in the investigation.

H. CONCLUSION OF THE HA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

I. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the HA will review the facts to determine:

- 1. The type of violation (procedural, non-compliance, fraud).*
- 2. Whether the violation was intentional or unintentional.*
- 3. What amount of money (if any) is owed by the family.*
- 4. If the family is eligible for continued occupancy.*

J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the HA will propose the most appropriate remedy based upon the type and severity of the violation.

- 1. **Procedural Non-compliance.** This category applies when the family "fails to" observe a procedure or requirement of the HA, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.*

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Examples of non-compliance violations are:

Failure to appear at a pre-scheduled appointment.

Failure to return verification in time period specified by the HA.

(a) **Warning Notice to the Family.** *In such cases a notice will be sent to the family which contains the following:*

A description of the non-compliance and the procedure, policy or obligation which was violated.

2. **Procedural Non-compliance - Overpaid Assistance.** *When the family owes money to the HA for failure to report changes in income or assets, the HA will issue a Notification of Overpayment of Assistance. This Notice will contain the following:*

- A description of the violation and the date(s).

- Any amounts owed to the HA .

*- A **10 calendar** day response period.*

- The right to disagree and to request an informal hearing with instructions for the request of such hearing.

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- (a) *Participant Fails to Comply with HA's Notice.* If the Participant fails to comply with the HA's notice, and a family obligation has been violated, the HA will initiate termination of assistance.
- (b) *Participant Complies with HA's Notice.* When a family complies the HA's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule which was violated.

3. ***Intentional Misrepresentations.*** When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the HA, the HA will evaluate whether or not:

- The participant had knowledge that his/her actions were wrong, and
- The participant willfully violated the family obligations or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrong-doing.

The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- (a) An admission by the participant of the misrepresentation.
- (b) That the act was done repeatedly.
- (c) If a false name or Social Security Number was used.
- (d) If there were admissions to others of the illegal action or omission.
- (e) That the participant omitted material facts which were known to him/her (e.g., employment of self or other household member).
- (f) That the participant falsified, forged or altered documents.
- (g) That the participant uttered and certified to statements at a interim (re)determination which were later independently verified to be false.

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4. ***Dispositions of Cases Involving Misrepresentations.*** *In all cases of misrepresentations involving efforts to recover monies owed, the HA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:*

(a) ***Criminal Prosecution:*** *If the HA has established criminal intent, and the case meets the criteria for prosecution, the HA will:*

1. ***Refer the case to the local State or District Attorney,***

2. ***Notify and then refer to HUD's RIGI, and***

3. ***Terminate rental assistance.***

(b) ***Administrative Remedies:*** *The HA may:*

Terminate assistance and demand payment of restitution in full.

Terminate assistance and execute an administrative repayment agreement in accordance with the HA's Repayment Policy.

Terminate assistance and pursue restitution through civil litigation.

Continue assistance at the correct level upon repayment of restitution in full within 90 calendar days.

Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the HA's repayment policy.

5. ***The Case Conference for Serious Violations and Misrepresentations.*** *When the HA has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative and the HA staff person who is most knowledgeable about the circumstances of the case.*

This conference will take place prior to any proposed action by the HA. The purpose of such conference is to review the information and evidence obtained by the HA with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. Any documents or mitigating circumstances presented by the family will be taken into consideration by the HA. The family will be given 30 calendar days to furnish any mitigating evidence.

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A secondary purpose of the Participant Conference is to assist the HA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the HA will consider:

The duration of the violation and number of false statements.

The family's ability to understand the rules.

The family's willingness to cooperate, and to accept responsibility for his/her actions

The amount of money involved.

The family's past history

Whether or not criminal intent has been established.

- 6. Notification to Participant of Proposed Action. The HA will notify the family of the proposed action no later than 30 business days after the case conference by certified mail.*

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GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
CR	Contract Rent
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FmHA	Farmers Home Administration
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GFC	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
GR	Gross Rent
HA	Housing Agency

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HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee.
HURRA	Housing and Urban/Rural Recovery Act of 1983
IG	Inspector General
IGR	Independent Group Residence
IPA	Independent Public Accountant
IRA	Individual Retirement Account
MSA	Metropolitan Statistical Area established by the U.S. Census Bureau
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RFLA	Request for Lease Approval
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SRO	Single Room Occupancy
SSMA	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical A
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance

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URP Utility Reimbursement Payment

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B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

ADMINISTRATIVE PLAN. The HUD required written policy of the HA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the HA's board or designee and a copy submitted to HUD.

ABSORPTION. In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADJUSTED INCOME. Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE. Fee paid by HUD to the HA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve"). Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

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

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

APPLICANT. (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

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ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

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

CERTIFICATE. A Certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

CERTIFICATE OR VOUCHER HOLDER. A family holding a voucher or certificate with unexpired search time.

CERTIFICATE PROGRAM. Rental certificate program.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

COOPERATIVE. A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151.

CONTIGUOUS MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

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CONTRACT AUTHORITY. The maximum annual payment by HUD to an HA for a funding increment.

CONTRACT RENT. In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

DISABILITY ASSISTANCE EXPENSE. Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

DISABLED PERSON. A person who is any of the following:

- (1) A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
- (2) A person who has a physical, mental, or emotional impairment that:
 - (i) Is expected to be of long-continued and indefinite duration;
 - (ii) Substantially impedes his or her ability to live independently; and
 - (iii) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- (3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISABLED FAMILY. A family where the head or spouse meet any of the above criteria for disabled person.

DISPLACED PERSON/FAMILY. A person or family 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 under 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. The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

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

ELDERLY HOUSEHOLD. A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now used for eligibility determinations to compare to income limits.

ELIGIBLE FAMILY (Family). A family is defined by the HA in the Administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCEPTION RENT. In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determining the initial contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly or disabled families only, in excess of 3% of Annual Income, which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the **Federal Register**.

FAMILY. "Family" includes but is not limited:

- (a) An Elderly Family or Single Person as defined in 24 CFR 5.403(b),
- (b) The remaining member of a tenant family, and

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(c) A Displaced Person

(d) **"family" can be further defined by the HA.**

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

1. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE. The size of the Certificate or Voucher issued to the family based on the HA's subsidy standards.

FEDERAL PREFERENCE. A preference under federal law for admission of applicant families that are any of the following:

- (1) Involuntarily displaced.
- (2) Living in substandard housing (including families that are homeless or living in a shelter for the homeless).
- (3) Paying more than 50 percent of family income for rent.

FEDERAL PREFERENCE HOLDER. An applicant that qualifies for a federal preference.

FMR/EXCEPTION RENT LIMIT. The Section 8 Existing housing fair market rent published by HUD headquarters or any exception rent. In the certificate program the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the HA may adopt a payment standard up to the

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EMR/exception rent limit

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FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

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.

FUNDING INCREMENT. Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

GROSS FAMILY CONTRIBUTION. Changed to Total Tenant Payment.

GROSS RENT. The sum of the Contract Rent and the utility allowance. If there is no utility allowance, Contract Rent equals Gross Rent.

GROUP HOME. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by an HA. The total assistance payment consists of:

- (1) A payment to the owner for rent to owner under the family's lease.
- (2) An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

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HOUSING ASSISTANCE PLAN. (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

IMPUTED ASSET. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed \$5,000.

INITIAL HA. 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 the 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.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

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INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

- (1) By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- (2) By operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

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

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LARGE VERY LOW INCOME FAMILY. Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

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 HA
- (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 family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA.

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 an elderly person or disabled person and who:

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

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LOCAL PREFERENCE. A preference used by the HA to select among applicant families

without regard to their federal preference status.

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

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

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total 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. A deduction for Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MIXED FAMILY. A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income.

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.

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NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

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~~NET FAMILY ASSETS.~~ ~~Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.~~

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

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

OCCUPANCY STANDARDS. [Now referred to as **Subsidy Standards**] Standards established by an HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OVER-FMR TENANCY (OFTO). In the Certificate program: A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

OWNER. Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT. A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

PAYMENT STANDARD. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the HA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

PERSONS WITH DISABILITIES. Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

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

PREMISES. The building or complex in which the dwelling unit is located, including common areas and grounds.

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a

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"housing agency" (HA)

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RANKING PREFERENCE. A preference used by the HA to select among applicant families that qualify for federal preference.

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

RECERTIFICATION Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

REGULAR TENANCY In the Certificate program: A tenancy other than an over-FMR tenancy.

REMAINING MEMBER OF TENANT FAMILY Person left in assisted housing after other family members have left and become unassisted.

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.

RESIDENT ASSISTANT A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or well being. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

RESPONSIBLE ENTITY For the public housing and Section 8 tenant-based assistance (part 982 of this title), project-based certificate assistance (part 983 of this title) and moderate rehabilitation program (part 882 of this title), the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSONA person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSONA person living alone or intending to live alone.

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SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which 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).

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
6. A Public Housing Project.

SUBSIDY STANDARDS. Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

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

TENANT. The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

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TENANT RENT. (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Where some of all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, Tenant Rent equals Total Tenant Payment less the Utility Allowance in the Certificate Program. In the Voucher Program, Tenant Rent is Rent to Owner less HAP.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract 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 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 healthy living environment.

UTILITY REIMBURSEMENT PAYMENT. 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.

VACANCY LOSS PAYMENTS. (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family

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incomes. This is the income limit for the Certificate and Voucher Programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

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 PROGRAM. The rental voucher program.

WAITING LIST ADMISSION. An admission from the HA waiting list.

WAITING LIST. A list of families organized according to HUD regulations and HA policy who are waiting for subsidy to become available.

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.

WELFARE RENT. This concept is used ONLY for Section 8 Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

- (1) If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or recertification is being processed.
- (2) If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

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C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE

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

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

HA. A housing authority- either a public housing agency or an Indian housing authority or both.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

INS. The U.S. Immigration and Naturalization Service.

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

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.

NONCITIZEN. A person who is neither a citizen nor nation of the United States.

PHA. A housing authority who operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the HA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

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Reserved

Annual Statement/Performance and Evaluation Report
 Comprehensive Grant Program (CGP) **Part I: Summary**

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp. 7/31/98)

HA Name Housing Authority of the City of Fresno | Comprehensive Grant Number: CA39P006709 | FFY of Grant Approval: 2000

Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement/Revision Number _____ Performance & Evaluation Report for Program Year Ending _____ Final Performance & Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost (2)	
		Original	Revised (1)	Obligated	Expended
1	Total Non-CGP Funds	\$0.00	0.00	0.00	0.00
2	1406 Operations (may not exceed 10% of line 19)	\$0.00	0.00	0.00	0.00
3	1408 Management Improvements	\$516,370.00	0.00	0.00	0.00
4	1410 Administration	\$258,185.00	0.00	0.00	0.00
5	1411 Audit	\$2,500.00	0.00	0.00	0.00
6	1415 Liquidated Damages	\$0.00	0.00	0.00	0.00
7	1430 Fees and Costs	\$150,000.00	0.00	0.00	0.00
8	1440 Site Acquisition	\$0.00	0.00	0.00	0.00
9	1450 Site Improvement	\$396,000.00	0.00	0.00	0.00
10	1460 Dwelling Structures	\$857,947.00	0.00	0.00	0.00
11	1465.1 Dwelling Equipment-Nonexpendable	\$144,300.00	0.00	0.00	0.00
12	1470 Nondwelling Structures	\$0.00	0.00	0.00	0.00
13	1475 Nondwelling Equipment	\$105,000.00	0.00	0.00	0.00
14	1485 Demolition	\$0.00	0.00	0.00	0.00
15	1490 Replacement Reserve	\$0.00	0.00	0.00	0.00
16	1495.1 Relocation Costs	\$0.00	0.00	0.00	0.00
17	1498 Mod used for Development	\$0.00	0.00	0.00	0.00
18	1502 Contingency (may not exceed 8% of line 19)	\$151,548.00	0.00	0.00	0.00
19	Amount of Annual Grant (Sum of lines 2-18)	\$2,581,850.00	0.00	0.00	0.00
20	Amount of line 19 Related to LBP Activities	\$0.00	0.00	0.00	0.00
21	Amount of line 19 Related to Section 504 Compliance	\$25,000.00	0.00	0.00	0.00
22	Amount of line 19 Related to Security	\$342,936.00		0.00	0.00
23	Amount of line 19 Related to Energy Conservation Measures	\$207,300.00	0.00	0.00	0.00

Signature of Executive Director & Date:

Signature of Public Housing Director/Office of Native American Programs Administrator & Date:

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement
 (2) To be completed for the Performance and Evaluation Report

Annual Statement/Performance and Evaluation Report
 Comprehensive Grant Program (CGP) **Part II: Supporting Pages**

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp. 7/31/98)

Development Number/ Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Proposed Work (2)
				Original	Revised (1)	Funds Obligated (2)	Funds Expended (2)	
CA39P006000	Youth Mentor Program	1408		\$45,000.00				
CA39P006000	Family Inv Ctr/Res. Training	1408		\$48,434.00				
CA39P006000	Software	1408		\$80,000.00				
CA39P006000	Drug Abatement & Security	1408		\$342,936.00				
CA39P006000	Publications	1410		\$1,000.00				
CA39P006000	Sundry	1410		\$1,000.00				
CA39P006000	Travel	1410		\$3,500.00				
CA39P006000	Employee Benefits	1410		\$40,000.00				
CA39P006000	Technical Salaries	1410		\$45,000.00				
CA39P006000	Non-Technical Salaries	1410		\$167,685.00				
CA39P006000	Audit	1411		\$2,500.00				
CA39P006000	Consultant Fees	1430		\$10,000.00				
CA39P006000	Permit Fees	1430		\$40,000.00				
CA39P006000	Arch. & Eng. Fees	1430		\$50,000.00				
CA39P006000	Inspection Salary	1430		\$50,000.00				
CA39P006000	Office Equipment	1475		\$5,000.00				
CA39P006000	Computer Equipment	1475		\$100,000.00				
CA39P006000	Contingency	1502		\$151,548.00				
CA39P006004	Clothesline Poles	1450		\$8,000.00				
CA39P006004	Gates	1450		\$20,000.00				
CA39P006004	Tree Pruning	1450		\$20,000.00				
CA39P006004	Mow Strips	1450		\$25,000.00				
CA39P006004	Replace Sewer Mains	1450		\$58,000.00				
CA39P006004	Site Grading	1450		\$75,000.00				
CA39P006004	Upgrade Parking Areas	1450		\$75,000.00				

Signature of Executive Director & Date:

Signature of Public Housing Director/Office of Native American Programs Administrator & Date:

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Annual Statement/Performance and Evaluation Report
 Comprehensive Grant Program (CGP) **Part II: Supporting Pages**

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp. 7/31/98)

Development Number/ Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Proposed Work (2)
				Original	Revised (1)	Funds Obligated (2)	Funds Expended (2)	
CA39P006004	Landscaping	1450		\$85,000.00				
CA39P006004	Re-key complex	1460	74	\$3,500.00				
CA39P006004	Replace Storage Doors	1460	74	\$19,000.00				
CA39P006004	Exterior Painting-Trim	1460	74	\$20,000.00				
CA39P006004	Replace Water Heaters	1460	74	\$26,000.00				
CA39P006004	Wall Heaters	1460	74	\$37,000.00				
CA39P006004	Replace Bathroom Vanities	1460	74	\$40,000.00				
CA39P006004	Replace Countertops	1460	74	\$40,000.00				
CA39P006004	Electrical Re-wiring	1460	74	\$60,276.00				
CA39P006004	Roofs	1460	74	\$120,000.00				
CA39P006004	Replace Tub/Shower Units	1460	74	\$185,081.00				
CA39P006004	Kitchen Cabinets	1460	74	\$278,081.00				
CA39P006004	Upgrade Heating/Cooling	1465.1	74	\$144,300.00				
CA39P006025	Fences	1450	5	\$30,000.00				
CA39P006025	Floor Covering	1460	5	\$29,009.00				

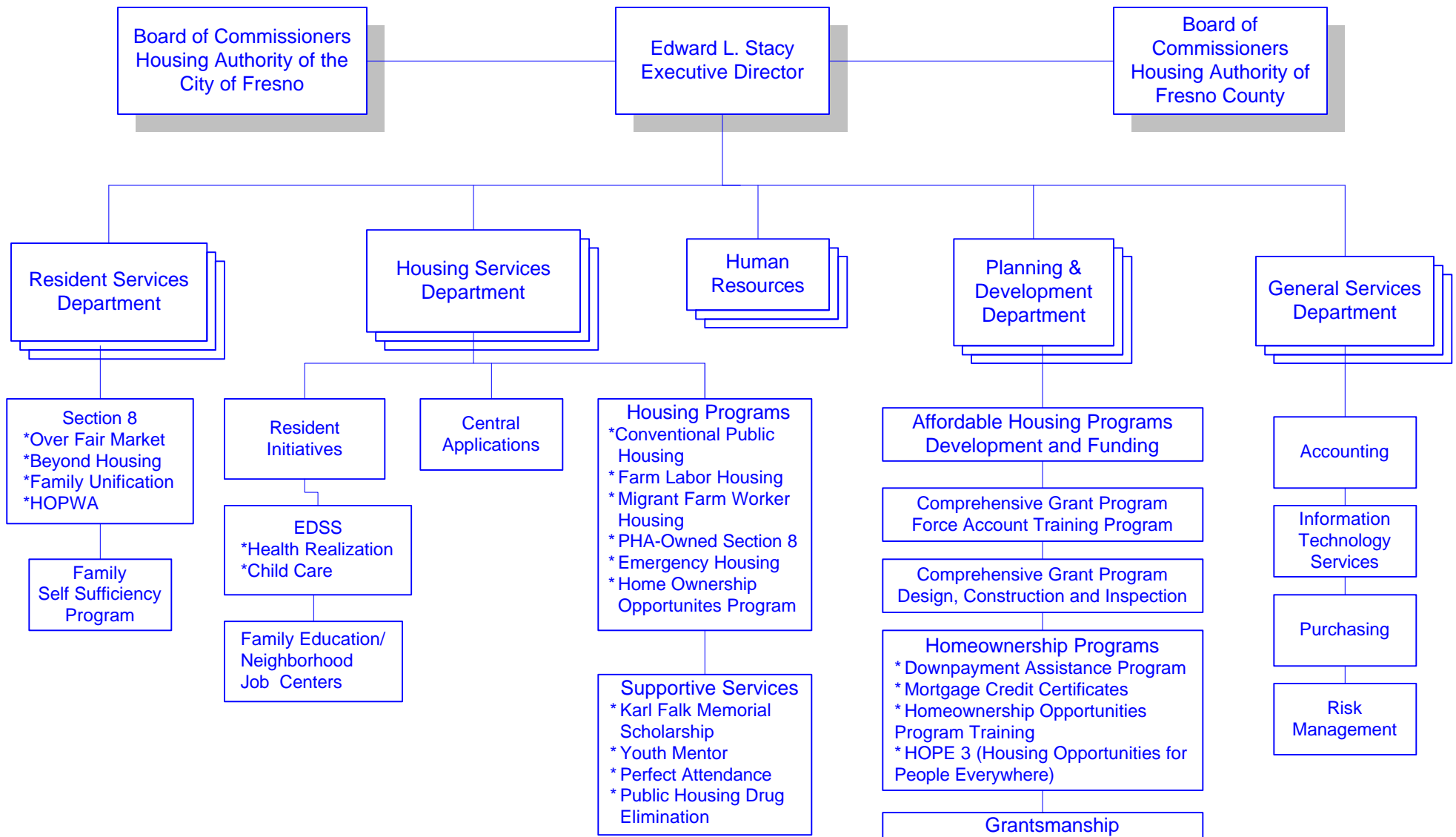
Signature of Executive Director & Date:

Signature of Public Housing Director/Office of Native American Programs Administrator & Date:

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement
 (2) To be completed for the Performance and Evaluation Report

HOUSING AUTHORITIES

CITY AND COUNTY OF FRESNO



Five-Year Action Plan
Part I: Summary
 Comprehensive Grant Program (CGP)

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0517 (exp. 7/31/98)

HAL/LHA Name: Housing Authority of the City of Fresno	Locality: (City/County and State) Fresno, Fresno CA	<input type="checkbox"/> Original <input type="checkbox"/> Revision No.
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A. Development Number / Name	Year 1 FFY: 2000	Work Statement for Year 2 FFY: 2001	Work Statement for Year 3 FFY: 2002	Work Statement for Year 4 FFY: 2003	Work Statement for Year 5 FFY: 2004
CA39P006000 Agency Wide	See Annual Statement	\$105,000.00	\$105,000.00	\$105,000.00	\$165,000.00
CA39P006002 Sequoia Courts		\$0.00	\$165,000.00	\$0.00	\$0.00
CA39P006003 Sierra Plaza		\$0.00	\$0.00	\$65,000.00	\$0.00
CA39P006004 Fairview Height		\$0.00	\$0.00	\$48,300.00	\$0.00
CA39P006005 Sequoia Courts Terrace		\$646,569.00	\$0.00	\$132,000.00	\$0.00
CA39P006006 Sierra Terrace		\$367,069.00	\$0.00	\$136,000.00	\$568,500.00
CA39P006007 Monte Vista Terrace		\$0.00	\$50,000.00	\$27,000.00	\$0.00
CA39P006008 Cedar Courts		\$0.00	\$242,440.00	\$225,000.00	\$0.00
CA39P006009 Funston Terrace		\$0.00	\$0.00	\$0.00	\$0.00
CA39P006010 Yosemite Village		\$0.00	\$900,807.00	\$71,500.00	\$0.00
CA39P006011 Funston Place		\$312,109.00	\$0.00	\$386,347.00	\$0.00
CA39P006015 Viking Village		\$0.00	\$0.00	\$0.00	\$0.00
CA39P006016 Inyo Terrace		\$0.00	\$40,000.00	\$4,500.00	\$0.00
CA39P006017 Scattered Sites		\$0.00	\$0.00	\$0.00	\$91,050.00
CA39P006023 Scattered Sites		\$0.00	\$0.00	\$301,600.00	\$233,300.00
CA39P006025 Scattered Sites		\$0.00	\$0.00	\$7,000.00	\$201,700.00
CA39P006026 DeSoto Gardens		\$72,500.00	\$0.00	\$44,000.00	\$253,000.00
B. Physical Improvement Subtotal (Excluding Nondwelling)		\$1,398,247.00	\$1,398,247.00	\$1,273,247.00	\$1,297,550.00
C. Management Improvement		\$516,370.00	\$516,370.00	\$516,370.00	\$516,370.00
D. PHA-Wide Nondwelling Structures & Equipment		\$105,000.00	\$105,000.00	\$280,000.00	\$215,000.00
E. Administration		\$258,185.00	\$258,185.00	\$258,185.00	\$258,185.00
F. Other		\$304,048.00	\$304,048.00	\$204,048.00	\$244,745.00
G. Operations					\$50,000.00
H. Demolition					
I. Replacement Reserves					
J. Mod Used for Development				\$50,000.00	
K. Total CGP Fund		\$2,581,850.00	\$2,581,850.00	\$2,581,850.00	\$2,581,850.00
L. Total Non-CGP Funds		\$0.00	\$0.00	\$0.00	\$0.00
M. Grand Total		\$2,581,850.00	\$2,581,850.00	\$2,581,850.00	\$2,581,850.00

Signature of Executive Director & Date:	Signature of Public Housing Director/Office of Native American Programs Administrator & Date:
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Five-Year Action Plan
Part II: Supporting Pages
Physical Needs Work Statement(s)
 Comprehensive Grant Program (CGP)

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0517 (exp. 7/31/98)

Work Statement for Year 1 FFY: 2000	Work Statement for Year 2 FFY:2001			Work Statement for Year 3 FFY:2002		
	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost
See Annual Statement	CA39P006000 Agency Wide			CA39P006000 Agency Wide		
	Computer Equipment		100,000.00	Computer Equipment		\$100,000.00
	Office Equipment		5,000.00	Office Equipment		\$5,000.00
	CA39P006005 Sequoia Courts Terrace			CA39P006002 Sequoia Courts		
	Refrigerators	78	35,100.00	Underground Utilities		\$165,000.00
	Upgrade Heating/Cooling	78	200,000.00	CA39P006007 Monte Vista Terrace		
	Exterior Painting-Trim	78	55,000.00	Roofing	44	\$50,000.00
	Replace Screen Doors	78	31,200.00	CA39P006008 Cedar Courts		
	Re-finish Cabinets	78	152,269.00	Cabinet Refinishing	150	\$30,000.00
	Floor Tile	78	78,000.00	Stucco Dash	150	\$162,440.00
	Upgrade Parking Areas		95,000.00	Exterior Painting	150	\$50,000.00
	CA39P006006 Sierra Terrace			CA39P006010 Yosemite Village		
	Cabinet Repairs	72	157,069.00	Bathroom Modernization	115	\$450,403.00
	Exterior Painting-Trim	72	45,000.00	Kitchen Modernization	115	\$450,404.00
	Landscaping		80,000.00	CA39P006016 Inyo Terrace		
	Site Grading/Drainage		85,000.00	Exterior Painting	44	\$40,000.00
	CA39P006011 Funston Place					
	Interior Metal Doors	150	65,000.00			
	Vertical Blinds	150	75,000.00			
	Upgrade Parking Areas		92,109.00			
Repair Planter Areas		80,000.00				
CA39P006026 DeSoto Gardens						
Exterior Painting	28	66,000.00				
	Subtotal of Estimated Cost		\$1,496,747.00	Subtotal of Estimated Cost		\$1,503,247.00

Five-Year Action Plan
Part II: Supporting Pages
Physical Needs Work Statement(s)
 Comprehensive Grant Program (CGP)

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0517 (exp. 7/31/98)

Work Statement for Year 1 FFY: 2000	Work Statement for Year 2 FFY:2001			Work Statement for Year 3 FFY:2002		
	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost
	Replace Cutting Boards	28	1,500.00			
	Install Doorbells	28	5,000.00			

	Subtotal of Estimated Cost	\$1,503,247.00	Subtotal of Estimated Cost	\$1,503,247.00
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Five-Year Action Plan
Part II: Supporting Pages
Physical Needs Work Statement(s)
 Comprehensive Grant Program (CGP)

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0517 (exp. 7/31/98)

Work Statement for Year 1 FFY: 2000	Work Statement for Year 4 FFY:2003			Work Statement for Year 5 FFY:2004		
	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost
See Annual Statement	CA39P006000 Agency Wide			CA39P006000 Agency Wide		
	Computer Equipment		100,000.00	Education Center		\$65,000.00
	Office Equipment		5,000.00	Computer Equipment		\$95,000.00
	CA39P006003 Sierra Plaza			Office Equipment		\$5,000.00
	Playground Equipment		15,000.00	CA39P006006 Sierra Terrace		
	Site Concrete & Landscaping		15,000.00	Heating/Cooling Units	72	\$350,000.00
	Upgrade Heating & Cooling	74	35,000.00	Carports		\$150,000.00
	CA39P006004 Fairview Height			Entry Locks	72	\$8,500.00
	Refrigerators	78	33,300.00	Site Concrete Repairs		\$10,000.00
	Playground Equipment		15,000.00	Playground Equipment		\$50,000.00
	CA39P006005 Sequoia Courts Terrace			CA39P006017 Scattered Sites		
	Playground Equipment		15,000.00	Rear Entry Doors	4	\$800.00
	Roofs	78	117,000.00	Garage Doors	2	\$800.00
	CA39P006006 Sierra Terrace			Electrical Upgrades	4	\$10,000.00
	Upgrade Heating & Cooling	72	36,000.00	Window Replacements	4	\$20,000.00
	Area Office Remodel	1	100,000.00	Ranges	4	\$1,500.00
	CA39P006007 Monte Vista Terrace			Water Heaters	4	\$450.00
	Site Irrigation		5,000.00	Heating/Cooling Units	4	\$6,000.00
	Upgrade Heating & Cooling	44	22,000.00	Bathroom Fixtures	4	\$9,000.00
	CA39P006008 Cedar Courts			Cabinets	4	\$10,000.00
Roof Repairs	149	150,000.00	Fences	4	\$4,000.00	
Upgrade Heating & Cooling	149	75,000.00	Exterior Painting	4	\$6,000.00	
CA39P006010 Yosemite Village			Stucco Re-dash	4	\$9,000.00	
Playground Equipment		15,000.00	Exterior Siding Repairs	4	\$1,500.00	
	Subtotal of Estimated Cost		\$753,300.00	Subtotal of Estimated Cost		\$812,550.00

Five-Year Action Plan
Part II: Supporting Pages
Physical Needs Work Statement(s)
 Comprehensive Grant Program (CGP)

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0517 (exp. 7/31/98)

Work Statement for Year 1 FFY: 2000	Work Statement for Year 4 FFY:2003			Work Statement for Year 5 FFY:2004		
	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost
	Upgrade Heating & Cooling	113	56,500.00	Floor Covering	4	\$6,000.00
	CA39P006011 Funston Place			Interior Wall Texture/Paint	4	\$6,000.00
	Stoves	35	11,550.00	CA39P006023 Scattered Sites		
	Refrigerators	75	33,750.00	Water Heaters	10	\$1,000.00
	Roof Repairs	150	3,000.00	Heating/Cooling Units	43	\$20,000.00
	Cabinet Replacement	150	338,047.00	Bathroom Fixtures	43	\$10,000.00
	CA39P006016 Inyo Terrace			Rear Entry Doors	43	\$4,300.00
	Plumbing	44	4,500.00	Windows	43	\$75,000.00
	CA39P006023 Scattered Sites			Exterior Painting	43	\$20,000.00
	Garage Door Openers	24	4,800.00	Stucco Re-Dash	43	\$45,000.00
	Ceiling Fans	24	7,200.00	Exterior Siding Repairs	43	\$8,000.00
	Bath Exhaust Fans	24	9,000.00	Floor Covering	43	\$30,000.00
	Install gas lines for stoves	24	16,800.00	Roofing	43	\$20,000.00
	Interior Painting	24	40,800.00	CA39P006025 Scattered Sites		
	Fencing	24	96,000.00	Rear Entry Doors	18	\$4,000.00
	Cabinet Replacement	24	96,000.00	Garage Doors	18	\$7,200.00
	Upgrade Electrical	24	24,000.00	Water Heaters	25	\$2,500.00
	Refrigerators & Stoves		7,000.00	Heating/Cooling Units	58	\$25,000.00
	CA39P006025 Scattered Sites			Bathroom Fixtures	58	\$10,000.00
	Refrigerators & Stoves		7,000.00	Cabinets	58	\$20,000.00
	CA39P006026 DeSoto Gardens			Fences		\$10,000.00
	Site Concrete & Landscaping		15,000.00	Exterior Painting	58	\$18,000.00
	Upgrade Heating & Cooling	28	14,000.00	Stucco Re-Dash	58	\$25,000.00
	Subtotal of Estimated Cost		\$1,538,247.00	Subtotal of Estimated Cost		\$1,179,550.00

Five-Year Action Plan
Part II: Supporting Pages
Physical Needs Work Statement(s)
 Comprehensive Grant Program (CGP)

U.S. Department of Housing
 and Urban Development
 Office of Public and Indian Housing

OMB Approval No. 2577-0517 (exp. 7/31/98)

Work Statement for Year 1 FFY: 2000	Work Statement for Year 4 FFY:2003			Work Statement for Year 5 FFY:2004		
	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost
	Playground Equipment		15,000.00	Exterior Siding Repairs	58	\$20,000.00
				Floor Covering	58	\$15,000.00
				Interior Wall Texture & Paint	58	\$15,000.00
				Roofing	58	\$30,000.00
				CA39P006026 DeSoto Gardens		
				Landscaping		\$10,000.00
				Handicap Concrete Pads		\$3,000.00
				Retaining Wall Fence		\$100,000.00
				Heating/Cooling Units	28	\$140,000.00

	Subtotal of Estimated Cost	\$1,553,247.00		Subtotal of Estimated Cost	\$1,512,550.00
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RESIDENT AND PUBLIC COMMENTS

HOUSING AUTHORITIES OF THE CITY AND COUNTY OF FRESNO

RESIDENT ADVISORY COUNCIL

This is a summary of the Resident Advisory Council discussion concerning the Annual and Five Year Plans for the Housing Authority of the City of Fresno and the Housing Authority of Fresno County.

In conformance with the requirements of the Quality Housing and Work Responsibility Act of 1998, Fresno Housing Authority assisted residents of Section 8 and public housing in establishing a Resident Advisory Council (RAC). The Boards of Commissioners ratified the Executive Director's prior appointment of five public housing residents and five Section 8 program participants to the Resident Advisory Council. The RAC met on July 14, 1999, July 30, 1999, August 4, 1999, and August 18, 1999. The purpose of these meetings was to review and discuss the Housing Authorities Annual and Five Year Plans. Members were given draft copies of Agency Plans for the Housing Authority of the City of Fresno and the Housing Authority of Fresno County. They were also given copies of the Agency Profile which describes in general terms the agency, its programs and services. Following is a summary of the comments and questions raised by residents at these meetings.

1st Meeting of RAC

Wednesday, July 14, 1999 @ 4:30 p.m.

Edward L. Stacy, Executive Director opened the first meeting by thanking the Council members for agreeing to participate. The requirement for agency plans and resident advisory groups in the Quality Housing and Work Responsibility Act (QHWRA) was briefly discussed. The structure of the Agency Plans was reviewed, a brief summary of each section was offered, and Resident Advisory Council members were asked to take the Plans home and read them. Committee members were invited to a community briefing about the City and County Plans to be held at the Housing Authority on July 16, 1999.

Residents asked the following questions at this meeting:

1) How does Fresno Housing Authority generate income?

Answer: The Housing Authority receives an Administrative Fee from HUD for every Section 8 Certificate/Voucher we issue/renew. In public housing, we submit a budget to HUD that details the cost of managing and maintaining the housing. Rental income is deducted from the total cost, and HUD subsidizes the balance needed to support the public housing program.

2) What is the difference between Section 8 and public housing?

Answer: The Housing Authority owns public housing; we manage and maintain it. Residents pay rent equal to 30% of their adjusted gross income to the Housing Authority each month.

Families participating in the Section 8 program rent housing that is privately owned. Housing Authority staff determine a contract rent amount based on market data. Low-income families pay rent to the owner of the property in the amount of 30% of their adjusted gross monthly income. The Housing Authority subsidizes the balance of rent owed each month by sending a check to the owner.

3) *What medical deductions are allowable?*

Answer: HUD regulations define medical deductions in both the Section 8 and public housing programs. Allowable deductions are not listed in the Agency Plan, but it does reference the Federal Regulations. Questions about specific deductions should be directed to staff.

4) *Where are the Family Education Centers?*

Answer: Family Education Centers are located on site in public housing complexes in West Fresno at Fairview Heights Terrace next to Edison High School, in Central Fresno at Funston Place next to Veteran's Hospital, and in Southeast Fresno at Cedar Courts near Butler and Cedar Avenues. A fourth Education Center is being developed in Firebaugh.

5) *Is there an age limit for the scholarship program?*

Answer: There is no age limit for participation in the Housing Authority's Karl Falk Memorial Scholarship Program. Applications are mailed to all public housing residents and Section 8 program participants every spring. Scholarships are awarded in the summer.

2nd Meeting of RAC

Friday, July 30, 1999 @ 4:30 p.m.

Each Resident Council member was asked for their comments concerning the draft Agency Plans. The following comments were received:

6) *The purpose statement for the Quality Housing and Work Responsibility Act (QHWRA) addresses the need for affordable housing in a safe, healthy environment. The Housing Authority's Mission Statement addresses building stronger families. The two are at odds with one another.*

Answer: As stated publicly in the Agency Profile, the primary objective of the Housing Authority of the City of Fresno and the Housing Authority of Fresno County is to provide decent, safe and sanitary housing to low income families at an affordable price. Our goal is to provide this housing within an environment that fosters the advancement of low income families from a position of dependency to one of self-sufficiency.

The mission statement included in our Five Year Plan combines this information into one sentence: *The Fresno Housing Authority is committed to building stronger communities by providing quality housing and empowerment*

opportunities to eligible families in partnership with community resource providers.

In response to the question raised by the RAC, the Housing Authority recognizes that families must have the opportunity to live in affordable housing that is decent, safe and sanitary if they are going to grow. The supply of affordable housing in Fresno doesn't even come close to meeting the demand. Fresno Housing Authority regularly applies for funds to build additional housing that is affordable. We apply for additional Section 8 housing assistance whenever Notices of Funding Availability are published. However, opportunities to apply for additional housing assistance for low income families are few and far between. In recognition of this, the Housing Authority is helping residents move toward self-sufficiency and out of assisted housing. As residents are able to earn sufficient income to support their families, the assistance we offer through our public housing and Section 8 programs may be offered to families waiting for assistance.

7) *The word customer is offensive. It should be replaced with consumer.*

Answer: The Housing Authority agreed to make this change in the Plans submitted to HUD.

8) *The first goal identified in the Five Year Plan is self-serving and, therefore, self-defeating. The aim of the Plan is to adhere to QHWRRA and serve the housing needs of low income families. The Federal government did not invest \$90 billion so that Fresno Housing Authorities could a) manage programs so it could qualify as a high performer, b) promote an effective and efficient work environment for staff, or c) prove that it is fiscally prudent.*

Answer: HUD has established a rating system for housing authorities that manage and maintain public housing. This system is called the Public Housing Management Assessment Program (PHMAP). Housing authorities are rated on: a) vacancy rates and unit turnaround time, b) the amount of uncollected rents, c) the number of pending work orders, d) how often units are inspected, e) how we manage our financial assets, f) resident services and involvement, and g) the security of our housing, whether we adequately screen prospective residents, and whether we enforce lease violations. A public housing agency that achieves a total PHMAP score of 90 percent or more is considered a high performer. The Housing Authority of the City of Fresno and the Housing Authority of Fresno County both received a 100% rating on our last PHMAP review. Being a high performer means we are doing a good job of serving the housing needs of low income families in Fresno City and County.

HUD recently established the Section 8 Management Assessment Program (SEMAP) review system for the Section 8 Housing Assistance Payments Program. The SEMAP system checks housing authorities to see if they have established Administrative Plans, whether they are consistently calculating the

resident contribution to rent correctly, whether annual reexaminations are completed in a timely manner, et.al.

- 9) *Goals 2, 3 and 4 should adhere generally to QHWRA's purpose by emphasizing those items which: a) increase incentives and opportunities for tenants to be self-sufficient; b) decrease concentration through mixed income communities; or c) contribute to the supply of affordable housing.]*

Answer: The second, third and fourth goals listed in the Five Year Plan talk about a) improving the opportunities for economic advancement among families receiving rental assistance, b) making public and assisted housing the housing of choice, and c) increasing the availability of affordable housing.

- 10) *Why are you letting people have pets? How is the Pet Policy set? Where does the nonrefundable \$200 deposit go and why was insurance requested? The stricter this policy is the better.*

Answer: QHWRA mandates housing authorities to allow residents to have pets. Housing authorities are to establish reasonable policies regarding pets. The Fresno Housing Authority is proposing to charge residents a \$200 nonrefundable damage deposit that will be used to repair the damage caused by a pet. Residents will also be required to get liability insurance in case their pet bites someone. All pets must be vaccinated yearly.

- 11) *Residents should be screened better. Persons involved in drugs or illegal activity should not continue to receive assistance.*

Answer: The Fresno Housing Authority makes a concerted effort toward maintaining and improving the livability of public housing complexes by thoroughly screening families that apply for admission. An applicant's suitability for public housing is determined by closely reviewing all pertinent information provided by all adult members in a family. We may obtain a complete credit history report as well as a listing of any previous unlawful detainers. Staff also contacts previous landlords and/or property managers to obtain and document positive and/or negative references. Before applicants are accepted into the public housing program a home visit is conducted by Housing Authority management staff.

On January 1, 1995 two California statutes took effect which authorize local law enforcement agencies to obtain State summary criminal history information at the request of local public housing authorities for the purpose of screening prospective residents. In response to this change the Housing Authority executed a MOU with local law enforcement that describes policies and procedures to obtain public housing applicants' and residents' criminal history information.

An applicant is denied admission to public housing if screening reflects a derogatory history in one or a combination of the aforementioned factors. The applicant is notified of the reasons for the denial and of their right to request an informal conference if they disagree with the findings.

The Housing Authority has added *One Strike and You're Out* language to the lease which further strengthens our ability to keep criminals and substance abusers out of public housing, and evict those who engage in criminal activity.

There are several steps that must be taken in order to evict a family for drugs or illegal activity. If an eviction is uncontested, the process can usually be concluded in ninety days. If it is contested by the family, it can take six months or more. Since disciplinary action is confidential, neighborhood residents are usually unaware of the actions being taken.

12) *Why are illegal aliens receiving assistance?*

Answer: Public housing residents who are here illegally have been given up to three-years to arrange for eligible immigration status or find other affordable housing. If at the end of the deferral period the person has not become a U.S. citizen, the family's rent will be prorated. Rental assistance may only be provided to those family members who are legal residents of the United States.

13) *The Plan states that residents will receive a deferral in their rent increase if their income increases. Is this really an incentive?*

Answer: The deferral allows participants to keep more of their earned income and can help them get ahead. They can save toward the purchase of a house, or furthering their education.

14) *Is there a time limit on receiving rental assistance?*

Answer: Except for those families participating in the Family Self-Sufficiency Program, there is no time limit.

15) *Does the Housing Authority have any input into the regulations that are passed?*

Answer: Public comments are invited when new regulations are first published in the Federal Register. Anyone and everyone, including housing authorities, are invited to comment. Fresno Housing Authority also belongs to several national organizations that educate Congress, HUD, as well as other national and state agencies and legislative bodies.

16) *Who qualifies for Section 8?*

Answer: The QHWRA requires that 40% of all families admitted to public housing must have incomes at or below 30% of the area median income. For Section 8, QHWRA requires that 75% of all families who first receive a certificate/voucher must have incomes at or below 30% of the area median income. The maximum income limits for admission to either the Section 8 or public housing programs is 80% of the area median income.

Due to the tremendous demand for housing assistance in Fresno County, the Housing Authority is not accepting applications for Section 8 assistance at this

time. We currently have nearly 12,000 families on the waiting list.

3rd Meeting of RAC

Wednesday, August 4, 1999 @ 4:30 p.m.

17) *Where do the elderly and disabled figures come from in the Housing Needs section of the Agency Plan?*

Answer: This information was taken from the City/County Consolidated Plan which is based on the most recent Census data. Additional information gathered by the Center for Independent Living, Fresno County Adult Protective Services, and Fresno County Mental Health Department has been added, see pages 1-5 to 1-7 in both the Housing Authority of the City of Fresno and the Housing Authority of Fresno County Plans.

18) *Why is the number of Blacks in Table 3, page 1-4 only 1,354?*

Answer: This number was taken from the Fresno County Consolidated Plan. It does not include Black persons living in the City of Fresno.

19) *When will Yosemite Village be demolished?*

Answer: The Housing Authority of the City of Fresno is planning to submit a HOPE VI application to HUD for partial demolition of Yosemite Village, CA006010 in West Fresno. Our intent is to replace the units that are demolished with new units for large families. Our goal is to improve the marketability of Yosemite Village, to make it a nicer place to live.

20) *Is there housing designated for persons with AIDS/HIV?*

Answer: The Housing Authority has applied for additional Section 8 Rental Assistance that would be specifically designated for persons living with HIV/AIDS.

21) *Where are the units that are specified in the Plan as complying with ADA?*

Answer: Five percent of all units in every complex owned by the Housing Authority are accessible to someone in a wheelchair. The doorways and bathrooms are bigger, there are ramps and rails.

22) *Most of the activities described in the Safety and Crime Prevention Section are directed toward youth. Why don't you have anything for adults?*

Answer: The Housing Authority has a wide variety of activities directed toward adult consumers of housing assistance. We have a contract with the Fresno Police Department and Fresno County Sheriff's Department to provide supplemental crime prevention services to residents in both the City and County. Community Service Officers have been working with adult residents in establishing Neighborhood Watch Groups. Classes are offered at the Education Centers in parenting and domestic violence. All Education/Neighborhood Job Center services and programs are directed toward adults.

23) *Why are there no units in north Fresno?*

Answer: Most of our public housing stock was built in the 1940s and 50s. North Fresno did not exist at that time.

24) *What is the difference between local, state and federal preferences?*

Answer: There are no federal or state preferences. The Housing Authority has adopted several local preferences for the public housing program (page 13, Public Housing Program Occupancy Policy). We decide how preferences are ranked. Applications are placed on the waiting list by date received, and by preference within that date.

The Section 8 program has no preferences. Applications are ranked by date and time received.

4th Meeting of RAC

Wednesday, August 18, 1999 @ 3:30 p.m.

Required changes to the Public Housing Occupancy Policy as a result of QHWRA were reviewed at this meeting of the RAC . Many of the changes had already been discussed in our review of the Annual Plans for the City and County Housing Authorities. Efforts made by the Housing Authority to create mixed income communities were reviewed in relation to marketing and outreach and well as waiting list preferences. We also reviewed flat rents and the incentives that may be offered to families as fathers and mothers succeed in finding and keeping jobs.

The RAC was very supportive of changes that strengthened the Housing Authority's ability to prohibit drug abusers and sex offenders from living in public housing.

The requirement to provide eight hours of community service each month was discussed. The RAC agreed that this was a good idea and offered some suggestions on the types of community service that may be considered.

Change to the Section 8 Administrative Plan as a result of QHWRA were also discussed. The change from Certificates to Vouchers will enable program participants to rent more expensive units and paying a greater percentage of their income to the landlord for rent. Waiting list preferences have been eliminated. Section 8 assistance will be denied to families if any member has been convicted of manufacturing or producing methamphetamines. And a family's portion of rent will not be reduced if their income was cut back as a result of welfare fraud or noncompliance.

Respectfully submitted by the Resident Advisory Council:

Janie Clark
Alberta Esquibel
Fay A. Jay
Marisela Laursen

Deborah Napoleon

Sandra Perez
Alice Peterson
C. Juice Rainwater

Robbie Rainwater
AnnMarie Rivas

PUBLIC COMMENTS

In response to the requirements set forth by Congress in the Quality Housing and Work Responsibility Act of 1998, a notice was published in our local newspaper on July 4, 1999 stating that the Agency Plan was available for residents and the public to review. The date, time and place of the public hearing was also stated in the notice. A copy of that notice is attached.

Copies of the draft Agency Plan for the Housing Authority of the City of Fresno was available for review from July 5 through October 14, 1999 at the Housing Authority District II and District III offices located at:

District II Office
Fresno Housing Authority
1735 E Street
Fresno, CA 93706
(559) 457-4175

District III Office
Fresno Housing Authority
2134 N Augusta
Fresno, CA 93703
(559) 457-4150

The draft Agency Plan for the Housing Authority of Fresno County was available for review from July 5 through October 14, 1999 at the Housing Authority District IV and District V offices located at:

District IV Office
Fresno Housing Authority
1030 Parlier Avenue
Parlier, CA 93648
(559) 646-2778

District V Office
Fresno Housing Authority
1625 Allardt Drive
Firebaugh, CA 93622
(559) 659-3084

Complete copies of the Agency Plans for both the Housing Authority of the City of Fresno and the Housing Authority of Fresno County were posted on the Housing Authority Internet web site (www.hafresno.org) from July 5 through October 14, 1999. The public was notified via the Internet of a public hearing regarding the Agency Plans to be held on August 25, 1999. The time and location of the meeting was provided along with notice of where they could review a hard copy of the Plans.

A public briefing was held on the Agency Plan on July 16, 1999. Department heads throughout City and County government were specifically invited to attend. The purpose of this meeting was to review the changes to both the public housing and Section 8 programs as a result of the Quality Housing and Work Responsibility Act of 1998. The Agency's mission statement, goals and objectives were also discussed in this meeting. The meeting lasted about 90 minutes and was well attended.

A public hearing was held by the Boards of Commissioners on August 25, 1999 at the Central Office of the Housing Authority located at 1331 Fulton Mall. Resident comments were entered into the record at this meeting. A certified copy of the meeting minutes are attached.