

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

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# 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**

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

**PHA Plan  
Agency Identification**

**PHA Name:** Housing Authority of the County of Tulare

**PHA Number:** CA030

**PHA Fiscal Year Beginning:** 07/2000

**Public Access to Information**

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

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

**Display Locations For PHA Plans and Supporting Documents**

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

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

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

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



**5-YEAR PLAN**  
**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) **To provide affordable, well-maintained rental housing to qualified low and very low-income families, seniors, and the disabled. Tenant self-sufficiency and responsibility shall be encouraged. Programs shall be self-supporting to the maximum extent feasible.**

**B. Goals**

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY 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 these measures in the spaces to the right of or below the stated objectives.

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

- 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) Keep at 100
  - Improve voucher management: (SEMAP score) From 94% to 100%
  - 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 households  
Objectives:
  - Increase the number and percentage of employed persons in assisted families:

- Provide or attract supportive services to improve assistance recipients' employability:
- Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- Other: (list below)

**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]

**i. 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**

**ii. Executive Summary of the Annual PHA Plan**

[24 CFR Part 903.7 9 (r)]

**Not required, pursuant to Notice PIH 99-51**

**iii. Annual Plan Table of Contents**

[24 CFR Part 903.7 9 (r)]

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

**Table of Contents**

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<b>Annual Plan</b>	
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ii. Table of Contents	
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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
- FY 2000 Capital Fund Program Annual Statement Hard Copy Attachment 1
- 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. Hard Copy Attachment 2
- FY 2000 Capital Fund Program 5 Year Action Plan. Hard Copy Attachment 3
- Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text) Hard Copy Attachment 4
- Other (List below, providing each attachment name)
  - PHA Board Resolution Hard Copy Attachment 5
  - PHA Certifications Hard Copy Attachment 6
  - Consolidated Plan Compliance Certifications Hard Copy Attachment 7

**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.

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or	5 Year and Annual Plans



<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	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.	
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and	Annual Plan: Eligibility, Selection, and Admissions Policies
X	2. Documentation of the required deconcentration and income mixing analysis	
	Public housing rent determination policies, including the methodology for setting public housing flat rents <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if 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 <input checked="" type="checkbox"/> check here if included in the public housing	Annual Plan: Grievance Procedures

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	A & O Policy	
	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
	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
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	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
	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
X	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	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
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	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	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	13,320	5	4	3	3	2	2
Income >30% but <=50% of AMI	11,840	5	4	3	3	2	2
Income >50% but <80% of AMI	29,600	5	4	3	3	2	2
Elderly	26,000	5	4	3	3	2	2
Families with Disabilities	3,000	5	4	3	3	2	2
White	38,036	5	4	3	3	2	2
Black	2,220	5	4	3	3	2	2
Hispanic	59,200	5	4	3	3	2	2
Asian/Am. Indian	8,140	5	4	3	3	2	2
Other	39,664	5	4	3	3	2	2

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
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- American Housing Survey data  
Indicate year:
- Other housing market study  
Indicate year: 1998

Other sources: (list and indicate year of information)

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

State the housing needs of the families on the PHA's waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** 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			
<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	3,348		
Extremely low income <=30% AMI	1,756	52.45%	
Very low income (>30% but <=50% AMI)	1,168	34.89%	
Low income (>50% but <80% AMI)	379	11.32%	
Families with children	2,547	76.07%	
Elderly families	161	4.81%	
Families with Disabilities	640	19.12%	
Asian/Pacific Isl.	25	0.75%	

<b>Housing Needs of Families on the Waiting List</b>			
Black	208	6.21%	
White Hispanic	1,992	59.50%	
White Non-Hisp.	1,123	33.54%	
Amer. Indian	0	0%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	672	20.70%	20%
2 BR	1,842	55.02%	20%
3 BR	725	21.65%	20%
4 BR	104	.03%	20%
5 BR	5	0%	20%
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to 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			

<b>Housing Needs of Families on the Waiting List</b>			
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	5,274		
Extremely low income <=30% AMI	2,646	50.17%	
Very low income (>30% but <=50% AMI)	1,962	37.20%	
Low income (>50% but <80%			

<b>Housing Needs of Families on the Waiting List</b>			
AMI)	603	11.43%	
Families with children	4,229	80.18%	
Elderly families	273	5.18%	
Families with Disabilities	772	14.64%	
Asian/Pacific Isl.	83	1.57%	
Black	250	4.74%	
White Hispanic	3,156	59.84%	
White Non-Hisp.	1,778	33.71%	
Amer. Indian/Alaskan	7	0.13%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to 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			

### **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)

**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)

**2. 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 supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2000 grants)</b>		
a) Public Housing Operating Fund	-0-	
b) Public Housing Capital Fund	1,876,993	
c) HOPE VI Revitalization	-0-	
d) HOPE VI Demolition	-0-	
e) Annual Contributions for Section 8 Tenant-Based Assistance	13,063,604	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	-0-	
g) Resident Opportunity and Self-Sufficiency Grants	-0-	
h) Community Development Block Grant	-0-	
i) HOME	-0-	
Other Federal Grants (list below)	-0-	
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>	2,015,350	
<b>4. Other income (list below)</b>		
Interest Income	113,740	
<b>Non-Dwelling, Late fees, other</b>	26,800	
<b>4. Non-federal sources (list below)</b>		

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>Total resources</b>	2,155,890	

### **3. PHA Policies Governing Eligibility, Selection, and Admissions**

[24 CFR Part 903.7 9 (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: Within 30 days
- 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 via telephone
- PHA development site management office if disabled
- 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) Safety and security issues.

c. Preferences

1.  Yes  No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection **(5) Occupancy**)

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

Former Federal preferences:

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

High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

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

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

Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

- 3  Working families and those unable to work because of age or disability
- 4  Veterans and veterans' families
- 3  Residents who live and/or work in the jurisdiction
- 2  Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- 3  Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- 3  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)

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** *N/A*

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  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
  - Other (describe below) Any information known to the PHA if the landlord request it.

**(2) Waiting List Organization**

- a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)
- None
  - 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)
- PHA main administrative office via telephone
  - Other (list below) At area office as a reasonable accommodation.

**(3) Search Time**

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

If yes, state circumstances below:

**(4) Admissions Preferences**

a. Income targeting

Yes  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.

Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

- 3 Working families and those unable to work because of age or disability
- 4 Veterans and veterans’ families
- 3 Residents who live and/or work in your jurisdiction
- 2 Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- 3 Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- 3 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)

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

- Through published notices  
 Other (list below)

**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: **Longterm hardship cases**

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

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

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below: Flat rents and Moving to Work Flat Rents could result in lower than 30% of Adjusted Income rents.

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 Moving To Work Demonstration Program  
 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)
- 95<sup>th</sup> 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) Moving To Work families do not have to report income changes between reexams. Flat rent families, once every three years.

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)

## **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) If lease-up falls below normal.

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) Long-term hardship cases.

## **5. Operations and Management**

[24 CFR Part 903.7 9 (e)]

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

### **A. PHA Management Structure**

Describe the PHA's management structure and organization.

(select one)

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

### **B. HUD Programs Under PHA Management**

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

<b>Program Name</b>	<b>Units or Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing	714	25%
Section 8 Vouchers	2279	35%
Section 8 Certificates	500	100% to vouchers
Section 8 Mod Rehab	59	40%
Special Purpose Section 8 Certificates/Vouchers (list individually)	400 – Welfare To Work	5%
Public Housing Drug Elimination Program (PHDEP)	NA	
Other Federal Programs(list individually)		
USDA 514/515	449	14%
HUD 202/Sec. 8	105	20%

**C. Management and Maintenance Policies N/A**

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 N/A**

[24 CFR Part 903.7 9 (f)]

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

**A. Public Housing**

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

If yes, list additions to federal requirements below:

2. Which PHA 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 903.79 (g)]

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

### **A. Capital Fund Activities**

Exemptions from sub-component 7A: 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) Hard Copy Attachment 1

-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 Hard Copy Attachment 2

-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.)

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

b. Projected end date of activity:

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

[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.

<b>Designation of Public Housing Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. Designation type:	
Occupancy by only the elderly	<input type="checkbox"/>
Occupancy by families with disabilities	<input type="checkbox"/>
Occupancy by only elderly families and families with disabilities	<input type="checkbox"/>
3. Application status (select one)	
Approved; included in the PHA’s Designation Plan	<input type="checkbox"/>
Submitted, pending approval	<input type="checkbox"/>
Planned application	<input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission:	<u>(DD/MM/YY)</u>

<p>5. If approved, will this designation constitute a (select one)</p> <p><input type="checkbox"/> New Designation Plan</p> <p><input type="checkbox"/> Revision of a previously-approved Designation Plan?</p>
<p>6. Number of units affected:</p> <p>7. Coverage of action (select one)</p> <p><input type="checkbox"/> Part of the development</p> <p><input type="checkbox"/> Total development</p>

## **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.

<b>Conversion of Public Housing Activity Description</b>
<p>1a. Development name:</p> <p>1b. Development (project) number:</p>
<p>2. What is the status of the required assessment?</p> <p><input type="checkbox"/> Assessment underway</p> <p><input type="checkbox"/> Assessment results submitted to HUD</p> <p><input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question)</p> <p><input type="checkbox"/> Other (explain below)</p>
<p>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.)</p>

4. Status of Conversion Plan (select the statement that best describes the current status)

- Conversion Plan in development
- Conversion Plan submitted to HUD on: (DD/MM/YYYY)
- Conversion Plan approved by HUD on: (DD/MM/YYYY)
- 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)

- Units addressed in a pending or approved demolition application (date submitted or approved: \_\_\_\_\_)
- Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: \_\_\_\_\_)
- Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: \_\_\_\_\_)
- Requirements no longer applicable: vacancy rates are less than 10 percent
- Requirements no longer applicable: site now has less than 300 units
- 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.)

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.)

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>
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.)

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)]

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? 18/03/97 and 09/04/99

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 Moving To Work
- 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. )

<b>Services and Programs</b>				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or

		selection/specific criteria/other)		both)
<i>Moving To Work Demonstration</i>	<i>1000</i>	<i>Referral &amp; WI</i>	<i>HHSA/CSET/EDC</i>	<i>Both</i>
Welfare To Work	400	Referral	HHSA and PIC	Sec. 8

**(2) Family Self Sufficiency program/s**

a. Participation Description

<b>Family Self Sufficiency (FSS) Participation</b>		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing	0	
Section 8	107	85

- 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: The PHA has requested and exception to the FSS minimum program size as part of the Moving To Work Contract.

**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 N/A - no PHEDEP money**

[24 CFR Part 903.7 9 (m)]

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

**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)

**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)

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

**C. Coordination between PHA and the police**

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

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

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

**D. Additional information as required by PHDEP/PHDEP Plan**

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: \_\_\_\_)

#### **14. RESERVED FOR PET POLICY**

[24 CFR Part 903.7 9 (n)]

#### **15. Civil Rights Certifications**

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations. Hard Copy Attachment 6

#### **16. Fiscal Audit**

[24 CFR Part 903.7 9 (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 N/A**

[24 CFR Part 903.7 9 (q)]

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

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) Hard Copy Attachment4
- Provided below:

3. In what manner did the PHA address those comments? (select all that apply)

- Considered comments, but determined that no changes to the PHA Plan were necessary.
- The PHA changed portions of the PHA Plan in response to comments  
List changes below:
- Other: (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)

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) State of California
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) Expand housing opportunities for low-income persons.
- Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below) Expansion of housing opportunities for low-income persons.

**D. Other Information Required by HUD**

**The Housing Authority has accessed the State Consolidated Plan web site to be sure that housing opportunities for low-income people are a state goal. The Housing Authority has also participated in the State planning process by communicating the Housing Authority's proprieties for inclusion at the State level.**

**The State Department of Housing and Community Development (HCD) encourages the Housing Authority of the County of Tulare to submit suggestions, improvements, and additional objectives for consideration in State Consolidated Plan updates. HCD also solicits information and feedback from housing authorities, such as public responses to the PHA Plans. This collaboration ensures consideration of the housing needs of Tulare County and provides HCD with a means of sharing solutions to similar problems among agencies in its jurisdiction.**

1. Consolidated Plan jurisdiction: (provide name here) City of Visalia
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) Expand housing opportunities for low-income persons.
- Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below) Expansion of housing opportunities for low-income persons.

**D. Other Information Required by HUD - The Housing Authority met with City representatives to discuss both the Agency Plan and the Consolidated Plan requirements and contents. Both agencies were mutually included in all phases of the planning process to ensure that the plans were consistent.**

1. Consolidated Plan jurisdiction: (provide name here) City of Tulare

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) Expand housing opportunities for low-income persons.
- Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below) Expansion of housing opportunities for low-income persons.

**D. Other Information Required by HUD - The Housing Authority met with City representatives to discuss both the Agency Plan and the Consolidated Plan requirements and contents. Both agencies were mutually included in all phases of the planning process to ensure that the plans were consistent.**

1. Consolidated Plan jurisdiction: (provide name here) City of Porterville
  
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) Expand housing opportunities for low-income persons.
  - Other: (list below)
  
4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below) Expansion of housing opportunities for low-income persons.

**D. Other Information Required by HUD - The Housing Authority met with City representatives to discuss both the Agency Plan and the Consolidated Plan requirements and contents. Both agencies were mutually included in all phases of the planning process to ensure that the plans were consistent.**

**Attachments**

Listed Previously under Optional Attachments

# PHA Plan Table Library

## Component 7 Capital Fund Program Annual Statement Parts I, II, and II

### Annual Statement

### Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number CA39-P030-70899      FFY of Grant Approval: 10/1999

Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	187,693
3	1408 Management Improvements	70,000
4	1410 Administration	113,875
5	1411 Audit	1,000
6	1415 Liquidated Damages	
7	1430 Fees and Costs	
8	1440 Site Acquisition	
9	1450 Site Improvement	
10	1460 Dwelling Structures	1,345,630
11	1465.1 Dwelling Equipment-Nonexpendable	
12	1470 Nondwelling Structures	
13	1475 Nondwelling Equipment	
14	1485 Demolition	
15	1490 Replacement Reserve	158,735
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	
18	1498 Mod Used for Development	
19	1502 Contingency	
20	<b>Amount of Annual Grant (Sum of lines 2-19)</b>	<b>1,876,933</b>
21	Amount of line 20 Related to LBP Activities	
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	
24	Amount of line 20 Related to Energy Conservation Measures	

**Annual Statement**

**Capital Fund Program (CFP) Part II: Supporting Table**

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
1406	Operations	1406	187,693
1408-PHAwide	Computer System Upgrades, & Warehouse Improvements	1408	70,000
PHAwide	Admin. Salaries and Benefits	1410	113,875
PHAwide	Audit Costs	1411	1,000
1490	Replacement Reserve	1490	158,735
See Attached	See Hard Copy Attachment 1	1460	1,345,630

**Annual Statement**  
**Capital Fund Program (CFP) Part III: Implementation Schedule**

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
	See Hard Copy Attachment 1	

## Optional Table for 5-Year Action Plan for Capital Fund (Component 7) N/A

Complete one table for each development in which work is planned in the next 5 PHA fiscal years. Complete a table for any PHA-wide physical or management improvements planned in the next 5 PHA fiscal year. Copy this table as many times as necessary. Note: PHAs need not include information from Year One of the 5-Year cycle, because this information is included in the Capital Fund Program Annual Statement.

Optional 5-Year Action Plan Tables				
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development	
Description of Needed Physical Improvements or Management Improvements			Estimated Cost	Planned Start Date (HA Fiscal Year)
<b>Total estimated cost over next 5 years</b>				



## Optional Public Housing Asset Management Table

See Technical Guidance for instructions on the use of this table, including information to be provided.

### Public Housing Asset Management

Development Identification		Activity Description						
Name, Number, and Location	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion <i>Component 10</i>	Home-ownership <i>Component 11a</i>	Other (describe) <i>Component 17</i>
		<i>Nothing planned at this time.</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>

**STATEMENT OF POLICIES GOVERNING ADMISSION  
TO AND CONTINUED OCCUPANCY OF  
LOW RENT PUBLIC HOUSING**

**HOUSING AUTHORITY OF THE COUNTY OF TULARE**

**Revised and Approved by Resolution No. 99-16**

**By the Board of Commissioners of the  
Housing Authority of the County of Tulare  
September 15, 1999**



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## **PART I – DEFINITIONS**

- 1. Adjusted Income:** Annual Income, less:
  - A.** \$480 for each dependent (refer to definition #7)
  - B.** \$400 for any elderly family (refer to definition #11)
  - C.** Medical expenses in excess of three percent of annual income for any elderly family (refer to definition #23)
  - D.** Child care expenses (refer to definition #4)
  - E.** Handicap assistance expenses (refer to definition #18)
  
- 1. Annual Income:**
  - A.** Annual income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporary, non-recurring or sporadic, as defined in paragraph C(1) of this section, and exclusive of certain other types of income specified in paragraph C(2)–(22) of this section.
  - B.** Income includes, but is not limited to:
    - (1)** The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.
    - (2)** The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.



- (3) Interest, dividends and other net income of any kind from real and personal property (for this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property).

Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD. On contracts for sale of real estate, deeds of trust or mortgages held by the applicant or tenant, only the interest portion of the monthly or annual payments received by the applicant or tenant is included as income.

- (4) The gross amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment.
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, Worker's Compensation and severance pay.
- (6) Welfare assistance, including any amount being deducted from the family's income because of fraud or failure to participate in economic self-sufficiency programs or comply with work activities. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
  - (a) The amount of the allowance or grant, exclusive of the amount specifically designated for shelter or utilities, plus
  - (b) The maximum amount the welfare assistance agency could, in fact, allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph B(6)(b) shall be the amount resulting from one application of the percentage.

- (1) Periodic and determinable allowance, such as alimony and child support payments, and regular contributions and gifts received from persons not residing in the dwelling.
- (2) 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, spouse or other family member whose dependents are residing in the unit.
- (3) Income of related persons who “live in” to provide care for a sick or incapacitated family member shall be included if his/her income is available to the family, and if the person is expected to contribute towards the family” 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.
- (4) If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

(C) **Annual income does not include:**

- (1) Temporary, non-recurring nor sporadic income, such as the following:
  - (a) Casual, sporadic or irregular gifts; or
  - (b) Amounts that are specifically received for, or in reimbursement of, the cost of medical expenses.
- (1) Payments received by participants in other publicly assisted programs as reimbursement for out-of-pocket expenses incurred (special equipment, clothing, transportation, reimbursement for child care, and so forth), which are made solely to allow participation in a specific program and cannot be used for other purposes.

- (2) 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. These amounts could become net family assets.
- (3) Any earned income tax credit to the extent it exceeds income tax liability.
- (4) Amounts of educational scholarships and grants paid directly to the student or to the educational institution, and amounts paid by the government to a veteran for use in meeting the costs of tuition, fees, books and equipment. This would include federal work-study wages.
- (5) Income received under a HUD-training program.
- (6) A resident service stipend which does not exceed \$200 per month.
- (7) Income from state or local employment-training programs, as long as it is for a limited time to be determined "in advance."
- (8) Earnings of fulltime students over 18 years of age in the home, other than head or spouse, over \$480 per year (the first \$480, or less, would be counted).
- (9) Adoption assistance payments over \$480 per year per child to help families adopting children (these children would get the \$480 deduction).
- (10) Any state or local refunds or rebates for property taxes.
- (11) Payments made by a state agency to a family with a developmentally disabled family member living in the home to offset the cost of services and equipment needed to keep that family member at home.
- (12) The hazardous duty pay to a family member in the armed forces away from home and exposed to hostile fire.
- (13) Income from employment of children (including foster children) under the age of 18 years.

- (14) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan to Attain Self Sufficiency (PASS).
- (1) Payments received for the care of foster children.
- (2) Income earned as census takers.
- (3) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following types of income are subject to such exclusion:
  - (a) Relocation payments made under Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621-4993);
  - (b) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 ( 7 U.S.C. 2011-2029);
  - (c) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951-4993);
  - (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(a));
  - (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459(e));
  - (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8621-8629);
  - (g) Programs under the Domestic Volunteer Service Act of 1973, including but not limited to, the National Older Americans Volunteer Programs (OAVP) of the Federal Action Agency for persons age 60 and over, including the; and



- [1] Senior Community Service Employment Program;
- [2] National Caucus Center on Black Aged;
- [3] National Urban League;
- [4] Association National Pro Personas Mayores;
- [5] National Council on Aging;
- [6] National Council of Senior Citizens; and
- [7] Green Thumb.

- (1) The PHA must not increase the annual income of a family as a result of increased income due to employment during the 12-month period beginning on the date on which the employment is commenced. Eligible families are those that reside in public-housing:
- a. Whose income increases as a result of employment of a family member who was previously unemployed for one or more years. For purposes of this section, “previously unemployed” includes a person who has earned, in the previous twelve months, no more that would be received for 10 hours of work per week for 50 weeks at the established minimum wage.
  - b. Whose employment income increases during the participation of a family member in any family self-sufficiency or other job training; or
  - ~~e.~~ Who is, or was, within six months, assisted under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local TANF agency, and whose earned income increases.

- (1) If a live-in attendant, who would not otherwise live in the unit, is not expected to, and does not, therefore, contribute to the family's support, his/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 medical expenses. These attendants do not have residual rights. If a live-in attendant is a relative who would not otherwise live in the unit, the family may make a one-time option whether or not to count that person as a family member with residual rights or as a live-in attendant.

**Assets – See “Net Family Assets”**

1. **Child Care Expense:** 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 is necessary to enable a family member to be gainfully employed or to further his/her education. The amount deducted shall reflect reasonable charges for childcare, and in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. When the deduction is to facilitate further education, the amount must not exceed a sum reasonably expected to cover class time and travel time to and from classes.
2. **Citizen:** A resident by birth or naturalization of the United States of America.
3. **Co-Tenant:** The husband or wife of the head-of-household or a person living with the head-of-household in a spousal relationship.
4. **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 over 18 and a disabled person or handicapped person, or is a full-time student.
5. **Disabled Person:** A person is considered disabled if: (1) the following Social Security disability definition is met, or (2) the individual has a developmental disability, as described in paragraph B below.

A. Section 223 of the Social Security Act defines disability as an inability to engage in any substantial, gainful activity because of any physical or mental impairment that is expected to result in death or has lasted, or can be expected to last, continuously for at least 12 months; or, for a blind person, at least 55 years old, inability because of blindness to engage in any substantial, gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.

B. Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)), defines developmental disability in functional terms as:

“Severe, chronic disability that: (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age 22; (c) is likely to continue indefinitely; (d) results in substantial, functional limitations in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsible language, (3) learning, (4) mobility, (5) self direction, (6) capacity for independent living, (7) economic self sufficiency, and (8) reflects the person’s need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.” Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence.

It should be noted that the receipt of veteran’s benefits for disability, either service-incurred or otherwise, does not automatically establish disability as defined above, and the PHA must make the determination on the basis of its evaluation of the applicant’s condition.

Disabled or handicapped status can be verified by a doctor’s statement or other reliable medical source.

1. **Displaced – Involuntary:** Involuntarily, displaced applicants are applicants who have vacated or will (within no more than six months from date of certification or verification) vacate housing as a result of:



- A. A disaster (fire, flood, etc.)
  - B. Federal, state or local government action related to code enforcement or public improvement/development
  - C. Action by a housing owner, which is beyond an applicant's ability to control, occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.
1. **Educational Institution:** An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.
  2. **Elderly Family:** A family whose head or spouse (or sole member) is a person who is an elderly, disabled or handicapped person. It may include two or more elderly, disabled or handicapped 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.
  3. **Elderly Person:** A person who is at least 62 years of age.
  4. **Eligible Alien:** A person lawfully admitted for residence to the United States.
  5. **Extremely Low-Income Family:** A family whose total annual income does not exceed 30% of the median income for the area, as determined by HUD and adjusted by family size.
  6. **Family:** "Family" means two or more persons who regularly live together as a family, provided the income and resources of all adult members of the family are available for, and actually used in, meeting the living expenses of the family. There may also be considered as part of the family group, those members of the family temporarily absent and whose incomes and resources are available for use in meeting the living expenses of the group. Lodgers may not be included in the family.

When considering child custody to meet eligibility as a family, an adult must have custody of a child for at least six months of the coming year for the child to be considered a family member.

In joint custody cases, two adults cannot both claim the same children for eligibility purposes as separate families.

7. **Family Self-Sufficiency:** The Family Self-Sufficiency (FSS) program provides assistance to families who wish to participate to achieve self-sufficiency. The Housing Authority is responsible for locating necessary, supportive services to enable the family to achieve that goal.
8. **Flat Rent:** A maximum rent amount established by the H. A., based on a reasonable market value of the unit, and not based upon a tenant's income.
9. **Full-time Student:** A family member, other than head or spouse, who is carrying a subject load and is considered full-time for day students under the standards and practices of the educational institution attended.
10. **Handicap Assistance Expense:** Anticipated costs for care attendants and auxiliary apparatus for handicapped and disabled family members, which enable a family member (including the handicapped member) to work. The amount allowable a deduction is the amount that exceeds three percent of annual income and cannot exceed the amount earned. Expenses can include alterations to vehicles.
11. **Handicapped Person:** A person having a physical or mental impairment that: (1) is expected to be of long, continued and indefinite duration; (2) substantially impedes his/her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions. (All three conditions must be met.)\_as defined by the regulations implementing the Fair Housing Act (currently 24 CFR 100.201).
12. **Head of the Household:** The head of the household is the person who assumes legal and moral responsibility for the household. A head-of-household must be at least 18 years of age or an emancipated minor.
13. **Live-In Attendant:** A person who would otherwise not live in the unit and who is determined to be essential to the care and well-being of an elderly, disabled or handicapped tenant. A live-in attendant is not considered a family member and is not expected to contribute to the family. Their income is not counted, and they have no residual rights to occupancy if the family vacates the unit. The Housing Authority must be furnished with the name of any live-in attendant(s), and may refuse to allow, as an attendant, persons who owe money to this agency, or who have a criminal record. If a relative, who would not otherwise live in the unit, is chosen as a live-in attendant, the family will have a one-time option to decide if they will be treated as a family member, counting income, with residual rights to the unit, or as a non-relative and not counting income, with no residual rights to the unit.

14. **Lower-Income Family:** A family whose annual income is between 51% to 80% 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 the 80% of the median income for the area on the basis of its finding that such variations are necessary because of prevailing levels of construction costs or unusually or low family incomes.
15. **Medical Expenses:** Those medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by any insurance. (Medical expenses are allowed only for elderly, disabled or handicapped households.) The amount allowable as a deduction is the amount that exceeds three percent of annual income, if there is any amount of the three percent of annual income remaining after it has been deducted for handicap assistance.

Examples of medical expenses are dental expenses, transportation costs, prescription medicines, medical insurance premiums, eye glasses, hearing aids and batteries, the cost of a live-in resident attendant, monthly payments required on accumulated major medical bills, including that portion of the spouse's or children's' nursing home care paid from tenant family income(s).

16. **Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without eligible immigration status.
17. **Net Family Assets:** Value of equity in real property, savings, stocks, bonds and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property, such as furniture and automobiles, shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered as asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Section 912.106 of the regulations.)

In determining net family assets, PHAs shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received thereof. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

18. **Proration of Assistance:** “Mixed families” with some members who are citizens or eligible aliens, and some who are not, will have assistance prorated on the basis of total number of family member divided by number of citizens or eligible aliens, based upon a HUD formula.
19. **Remaining Member of a Tenant Family:** “Remaining member of a tenant family” means an individual remaining in a unit when other member(s) of an assisted family have moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled or handicapped head-of-household or spouse, and whose income was not counted for eligibility or TTP purposes.
20. **Servicemen:** Persons in military or naval forces of the United States who served therein during World War II, or who have had active service therein on and after June 27, 1950, and prior to the final cessation of hostilities as proclaimed by proper federal authority.
21. **Single Person:** “Single person” means a person living alone or intending to live alone and who does not qualify as an elderly family or a displaced person, as defined in this section, or as the remaining member of a tenant family.
22. **Spouse:** The husband or wife of the head of the household.
23. **Temporary Deferral:** Continuing rental assistance for families who were receiving assistance on June 19, 1995, who are either not legally in this country, or are a “mixed family” who is not eligible for continued assistance because either the head-of-household or spouse is not legally in this country. The maximum deferral period is eighteen months.
24. **Tenant Rent:** The amount payable monthly by the family as rent to the PHA. Where all utilities (except telephone) and other essential housing services are supplied by the PHA, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the PHA, and the cost thereof is not included in the amount paid as rent.
25. **Total Tenant Payment (TTP):** Monthly amount calculated under Federal Regulation Section 913.107. (See Part VII, Schedule of Rents.) Total tenant payment does not include charges for excess utility consumption or other miscellaneous charges. The minimum TTP will be \$50.

26. **Utility Allowance:** If the cost of utilities (except telephone) for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservation household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.
27. **Utility Reimbursement:** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.
28. **Very Low-Income Family:** A 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 incomes.
29. **Veteran:** The term “veteran” means any person honorably discharged from the armed forces of the United States who served in World War I between April 6, 1917 and November 11, 1918, both dates inclusive, or in World War II on or after December 7, 1941, until final cessation of all hostilities, or in the Korean Conflict, Lebanon Crisis, Berlin Crisis, Quemoy and Natsu, Taiwan Straits, Cuban Crisis, the Congo, the Dominican Republic and Vietnam. “Veteran” does not include a person enlisted and accepted for active training only for a period of six months or less.

**These policies and procedures govern the Conventional Public Housing Program for the Housing Authority of the County of Tulare for all families not participating in the Moving to Work Demonstration Program.**

## **PART II – RECEIPT OF APPLICATIONS AND WAITING LISTS**

1. Families expressing interest in the low-rent program will be informed that the tenant-screening process includes:
  - A. An unannounced house visit to determine housekeeping standards.
  - B. A check of landlord references.
  - C. A credit check.
  - D. A check of any other factors deemed relevant to eligibility requirements (see Part II-3).

1. Families who do not meet the eligibility criteria will be informed of the reason, and that they have the right to request an informal hearing within ten days.
2. Families who fill out a complete application will be placed on the waiting list according to bedroom size and by date and time of application, unless priority has been established.
3. Contact will be made periodically with applicants to keep information current, and to be sure that they are still interested.
4. The Housing Authority reserves the right to suspend taking applications for any bedroom size or rent range at such time as the waiting list for that size exceeds two years.

### **PART III – ELIGIBILITY REQUIREMENTS**

1. Families and single persons eligible for occupancy are:
  - A. Two or more persons who have a family-type relationship (see definition); or
  - B. A single person who is:
    - (1) Eligible, by age, to receive an old-age benefit under Title II of the Social Security Act (see definition).
    - (2) Handicapped within the meaning of Section 202 of the Housing Act of 1959 (see definition).
    - (3) Disabled within the meaning of either Section 223 of the Social Security Act or Section 102(5) OF THE Developmental Disabilities Services and Facilities Construction Amendments of 1970 (see definition).
    - (4) Pregnant, who is either 18 years of age or an emancipated minor (the pregnancy must be verified by a doctor).
    - (5) Displaced by governmental action, or by a formally recognized disaster.

- (6) The last remaining member of a tenant family.
- (7) Other single persons. However, families and single persons who are 55 years, or older, disabled or handicapped will be housed prior to those single persons who do not qualify for one of these categories.

- 1. **Income Limits for Admission:** To be financially eligible, the applicant family must provide adequate evidence that annual income for the 12-month period following occupancy is not anticipated to exceed the income limits for admission (see Appendix A).

Where the family has net family assets in excess of \$5,000, annual income for eligibility and rent shall include the greater of the actual net income derived from all net family assets or a percentage of the value of such assets based upon the current passbook savings rate, as determined by HUD (the DIDC rate – see “Net Family Assets”).

- 2. **Non-Economic Eligibility Criteria:** In determining eligibility, the following factors shall apply:

- A. Housing assistance is restricted to citizens and non-citizens who have been lawfully admitted to the United States. Families who have no citizens or eligible alien members are not eligible. “Mixed families” may be eligible for prorated assistance.

- B. (i) Whether the conduct of the applicant in present or prior housing has been such that admission to the program may reasonably be expected to adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project. A record of any of the following may be sufficient cause for the Housing Authority to deny eligibility:

A record of non-payment of rightful obligations, including rent, utilities and credit purchases.

- (1) A record of disturbance of neighbors.
- (2) A record of destruction of property.
- (3) Evidence of poor living or housekeeping habits.

- (4) A history of criminal activity involving crimes of physical violence to persons or property, or a record of other criminal acts, which may reasonably be expected to adversely affect the health, safety or welfare of other residents. This includes families with persons who have been convicted of manufacturing or producing methamphetamin, families with persons fleeing to avoid prosecution or to avoid custody or confinement after conviction of a crime or attempt to commit a crime, or families with persons who are subject to a lifetime registration requirement under a State sex offender registration program.
- (5) A history of alcohol or drug abuse, which likely results in conduct that would adversely affect the project environment; or current illegal use of a controlled substance, or there exists reasonable cause to believe that the applicant abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.
- (6) Money owing to the Housing Authority from prior occupancy.
- (7) If the tenant is currently living in a unit subsidized by the Housing Authority or Kaweah Management Company.
- (8) If the applicant, or any family member, has been evicted from public, Indian or Section 8 housing because of drug-related, criminal activity within the past three years.
- (ii) (1) The Housing Authority may, but is not required to, waive the provisions of paragraph 3.B.(i)(9), above, if the person demonstrates to the satisfaction of the Housing Authority that they have successfully completed a rehabilitation program approved by the Housing Authority, or the circumstances leading to the eviction no longer exist.



- (2) The Housing Authority may, but is not required to, waive the provisions of paragraph 3.B.(I)(6), above, if the person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in the abuse of alcohol or use of controlled substances, and has successfully completed a supervised drug or alcohol rehabilitation program, or otherwise been successfully rehabilitated, or is successfully participating in a supervised drug or alcohol rehabilitation program.
  - (3) An applicant denied admission based upon a criminal record must be told the reason for the rejection and given an opportunity to request an informal hearing to dispute the accuracy or relevancy of the record.
  - (4) The Housing Authority shall keep all criminal records in a separate, confidential file, and shall destroy such records when the purpose for which they were obtained has been accomplished.
- (iii) (1) The Housing Authority must deny tenancy to persons convicted of manufacturing or producing methamphetamines.
- A. The Housing Authority will make any reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.
- B. In determining eligibility for admission, the Housing Authority shall rely upon sources of information, which may include but not be limited to, Housing Authority records, personal interviews with the applicant or tenant, home visits, interviews with current and previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians or law enforcement agencies. This will be done in order to determine whether the individual attributes, prior conduct and behavior of a particular applicant or tenant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by affecting adversely their health, safety or welfare, or by adversely affecting the physical environment or the financial stability of the Housing Authority's low-income housing program.

- C. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable, future conduct or financial prospects.
1. Each applicant determined to be ineligible shall be promptly notified by the Housing Authority, in writing, of such determination with the reasons therefore and of his/her right, upon request within ten days, to an informal hearing on the determination.
  2. **Eligibility for Continued Occupancy:** To be eligible for continued occupancy, residents must meet the following criteria:
    - A. Qualify as a family (see definition), or who is the last remaining member of a tenant family (excluding live-in attendants).
    - B. Conform to the occupancy standards.
    - C. Must not have conduct which proves detrimental to the project or its residents.
    - D. Must have disclosed all criminal records of any adult family member
    - E. Must meet citizen or eligible alien criteria.
    - F. Must not be illegally using a controlled substance, and must not be abusing alcohol when such abuse interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
    - G. Meet community service requirement.
  1. Families who were receiving rental assistance as of June 19, 1995, will have to certify citizenship or verify eligible alien status at their first-re-examination after that date.
  2. The same standards of tenant suitability that are used for applicants also apply to any person a family in occupancy wishes to move into the unit. The PHA will determine that the person meets the standards prior to adding that person's name to the family's lease. If that person, or the family, does not cooperate, and moves that person into the unit without PHA permission, it could be grounds for eviction.

#### **PART IV – VERIFICATIONS**

All income and asset information for admission and continued occupancy will be verified by the Housing Authority, as well as eligible alien status.

When an applicant or tenant reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received (i.e., TANF, welfare, unemployment compensation, child support, etc.), the absence of such income will be verified.

All verifications will be obtained within 60 days of initial lease date, or effective date for all subsequent re-examinations and redeterminations, to ensure that current and accurate data are being used in calculating rents and eligibility.

All income and family composition changes, which affect rent between admissions and re-examinations, will be verified in accordance with the above provisions.

Tenant files will contain documentation of all verifications.

- A.** Applicants/tenants must furnish verification, or provide authorization, for the Housing Authority to obtain verification from a third party of all statements regarding income, assets and allowances. Certification by signing the application for admission or the application for continued occupancy would normally be considered sufficient verification of family composition. However, further verification may be required.
- B.** All income, assets and each applicable deduction or exemption will be verified at the time of admission and at each subsequent re-examination or redetermination. Income will be verified by third-party verification. If third-party, written verification is not possible, a review of documentation provided by the family, such as benefit checks, income tax returns, benefit award letters, savings and checking account statements, estimated market value of real estate, United States savings bond redemption values, and other supporting documents may be accepted. In cases where third-party verification is not possible, the Housing Authority will document the reason why another method was used. Notarized tenant statements will be used only as a final resort.
- C.** Self-employed persons, or persons whose earnings are irregular, will be required to furnish summary data from books of account or certified statements, showing gross receipts, itemized expenses and net income.
- D.** Verifications obtained by telephone or personal interview must be documented with the source, date and person receiving the information clearly indicated.

- E. The following information will also be verified and documented in the tenant file:
- (1) A record of the home visit of the applicant's housing accommodations must be kept in file.
  - (2) Handicap, disability, veteran or serviceman status, when they are a factor in determining eligibility or priority, and/or the need for a live-in attendant. For persons who claim disability but who are not recipients of benefits under Section 223 of the Social Security Act or Section 102(b)5 of the Developmental Disabilities Services and Facilities Construction Amendment of 1970, proof of residence in an institution, documents showing hospitalization for a disability or verification by a health or service professional, such as a social worker, may provide a basis for verification. If adequate verification is not available from other sources, then verification from a physician may be required. The receipt of veteran's benefits for disability, either service-incurred or otherwise, does not automatically establish eligibility by disability.
  - (3) Full-time student status.
  - (4) Non-economic selection criteria when information provides the basis for denial of eligibility based upon the past conduct of the applicant or members of his/her family.
- A. Verification of age of any family member may be required.
- G. **Rechecking Verified Findings Prior to Admission:** If there is a delay of any consequence between the determination of the family's eligibility and the time it can be admitted to a unit, the family will be questioned before admission in regard to any change in status. If changes are reported, they will be verified to determine their effect on eligibility, preference and priority rating, rent and unit size required.

**Summary of Verification Data:** Verification data is to be reviewed and evaluated as received for completeness, accuracy and conclusiveness. Where the information received is not completely adequate in all respects, follow-ups or new efforts to obtain such information are to be made and carried through to conclusion. If, during the verification process, it becomes evident that, for one or more reasons, an applicant is ineligible, the investigation is to be discontinued and the applicant notified of his/her ineligibility and the reasons therefore.

## PART V – TENANT SELECTION CRITERIA

1. **Objectives:** It is the policy of this Housing Authority to avoid concentrations of the most economically and socially deprived families and to house families with a broad range of incomes. In order to deconcentrate poverty and achieve the greatest possible income mix within public housing, studies will be conducted annually to determine and compare the relative tenant incomes of each development, as well as the incomes of census tracts in which the developments are located, in order to determine whether or not the development contains an appropriate income mix. To achieve such a desirable mix, the agency hereby adopts the following policy:
  - A. Income targeting up to 80% of median income, after the extremely low-income targeting requirements.
  - B. A preference for working families.
  - C. The Housing Authority will implement a marketing strategy to attract more low-income applicants.
  - D. Flat rents will be set at reasonable market levels.
  - E. An open waiting list will be maintained to encourage applicants from all income levels, in an easily accessible manner.
  - F. The Housing Authority will attempt to develop scattered-site, acquisition and mixed-income projects whenever possible.

The ease of the application process, coupled with rents capped at affordable levels, will attract more low-income applicants. Those higher-income applicants will mix with the large number of very low-income applicants already attracted to the agency waiting lists. Units will then be filled from the mixed-income waiting list when they become available, which will create an income mix within projects. Affordable, flat rents should encourage savings and discourage working families from moving prematurely (before they are able to achieve financial independence). This should serve as an example of achievement to those who want to better themselves, and help preserve the desirable income mix.

1. **Tenant Selection:** Individual application pools will be maintained in the area office serving the area in which the units are located. Due to the distances between the cities in which an area's projects may be located, application preferences may be recorded. Applicants may apply for any or all low-rent waiting lists at any area office.

**A.** As among eligible applicant families of the size and composition appropriate to available dwelling units in each locality, tenants shall be selected on the basis of priorities as set forth below.

**B. Order of Priority:**

- (1) Displacement by government action will receive the highest ranking.
  - (2) Families with income from wages, or families whose head or spouse are unable to work due to age or disability, will be housed before families who have no income from wages.
  - (3) A local preference will be extended to families who are residents of Tulare County. Applicants who are working in Tulare County, who have been notified that they are hired to work in Tulare County, and full-time students of a Tulare County school, who cannot get a similar education in their own county, shall be considered as residents.
  - (4) Veteran's preference, as required by California state law, will be taken into consideration.
  - (5) In the event of two or more eligible applicants for the same unit size with identical priority status, the date and time sequence of applications shall govern selection, with the applicant who filed the earliest being offered the first available allocation of appropriate size.
  - (6) Families and single persons, who are 55 or over, disabled, handicapped or displaced, will be housed prior to single persons who do not qualify for one of those categories.
- A.** During each Housing Authority fiscal year, at least 40% of families admitted must be extremely low income (incomes not exceeding 30% of the area median – see definition).

1. **No Discrimination Because of Race, Creed, Color, Sex, Handicap, Familial Status or National Origin:** The foregoing preferences and priorities shall be followed without regard to race, creed, color, sex, handicap, familial status or national original. In the event of two or more eligible applicants for the same unit size with identical preference and priority status, the date and time sequence of applications shall govern selection, with the applicant who filed the earliest being offered the first available vacancy of appropriate size.

If the applicant rejects two offers, other than for a justifiable reason, as stated in subparagraphs A and B below, he/she shall be moved to the bottom of the eligible applicant list. Each application, current or inactive, shall contain notations reflecting the date of any offers, location of the unit and applicant's response.

- A. If the applicant is willing to accept the unit offered, but is unable to move at the time of the offer and presents clear evidence of his/her inability to move, the applicant shall retain his/her place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.
  - B. If an applicant presents to the satisfaction of the local Housing Authority, clear evidence that acceptance of a given offer of a suitable vacancy will result in undue hardship or handicap not related to consideration of race, creed, color, sex, handicap, familial status or national origin, such as inaccessibility to source of employment, children's daycare, and the like, the applicant shall retain his/her place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.
1. Any vacancies will be filled first by existing tenants on a transfer pending list, who are required to move due to change in family size. If no transfers are necessary, the unit will be offered to the first qualified family on the waiting list.

## **PART VI – OCCUPANCY STANDARDS**

1. The age, sex and relationship of the members of the family will be taken into consideration in assigning unit sizes.

Dwellings are to be assigned so that it will not be necessary for persons of opposite sex, other than husband and wife, to occupy the same bedroom, except that if necessary at the time of admission, two children of opposite sex under three years of age may occupy the same bedroom; and, if necessary, for continued occupancy, two children of opposite sex under four years of age may occupy the same bedroom. At admission, one child under one year of age may be permitted to occupy the parents' bedroom; and if necessary, for continued occupancy, one child under two years of age may be permitted to occupy the parents' bedroom.

- Units will be assigned so that the living room is not used for sleeping purposes. In order to prevent under-utilization of space and permit efficient and economical use of scarce housing resources, the following standards will determine the number of bedrooms required to accommodate a family of a given size:

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
0	1	1
1	1	2
2	2	5
3	4 <sup>1</sup>	7
4	6	9
5	8	11

- Such standards may be waived when a vacancy problem exists and it is necessary to achieve or maintain full occupancy by temporarily assigning a family to a larger size unit than is required. Such family should be transferred to the proper size unit as soon as one becomes available.

In no event should waiver action be taken to assign smaller units to families than established in the maximums.

- When it is found that the size of the dwelling is no longer suitable for the family, in accordance with these standards, the family is to be required to move to a dwelling of appropriate size.
- Every family member, regardless of age, is to be counted as a person.
- Verification by a doctor of the need for a live-in attendant could require the need for a larger bedroom size.
- Foster children will be counted as family members for the purpose of determining unit size.

## **PART VII – SCHEDULE OF RENTS**

---

<sup>1</sup> For the CAL 30-19 Pinkham complex only, the minimum number of family members is three persons.



1. The total tenant payment shall be the higher of the following, rounded to the nearest dollar:

- A. Thirty percent of monthly adjusted income.
- B. Ten percent of monthly gross income.
- C. The welfare rent, as defined in Section 813.107 of the regulations.
- D. A prorated amount based upon the number of citizens and eligible alien family members versus non-eligible family members.
- E. The agency has established a minimum TTP of \$50, as allowed by HUD.
  - (1) Families paying a minimum TTP will be informed that there is a hardship exception available to those who are unable to pay their rent.
  - (2) If a family requests exemption, the minimum rent must be immediately suspended. If no hardship is verified, minimum rent will be reinstated retroactively. If there is a hardship, but it is only temporary, the family will still owe the minimum rent retroactively and will be offered a repayment agreement for the difference in rent amount during the suspension. If a long-term hardship exists, the minimum rent rule is suspended indefinitely until the hardship stops.

The total tenant payment shall not be increased by more than ten percent during any 12-month period as a result of re-definition or changes in government regulations. However, the total tenant payment may be increased by more than ten percent during any 12-month period to the extent that the increase is solely attributable to increases in income.

1. Adjusted income, on which the TTP is calculated, is figured by taking the family's annual income and making any or all of the following deductions for which it is eligible:
  - A. A \$480 deduction for each dependent, i.e., each family member (other than the head, spouse or foster children), who is either under 18 years of age, is a full-time student of any age, or is over 18 years of age and disabled or handicapped.

- B.** The annual amount of verified medical expenses that exceed three percent of the family’s annual income, for families who qualify as “elderly families.”
  - C.** The total amount of verified annual babysitting expenses, to the extent the amount allowed does not exceed the income received by the applicant from employment for which these expenses are incurred, or babysitting to allow a family member to attend school.
  - D.** Handicapped assistance expenses to pay for care attendants and/or auxiliary apparatus for handicapped and disabled family members, which enable a family member (including the handicapped member) to work. The amount allowable as a deduction is the amount that exceeds three percent of annual income and cannot exceed the amount earned (see definitions).
  - E.** A \$400 deduction per family who qualifies as an “elderly” family (see definition).
- 1.** Tenant rent shall be either:
    - A.** The TTP, less the applicable utility allowance; or
    - B.** A flat-rent amount, as set by the Housing Authority, based upon unit size; or
    - C.** The Moving to Work Program rent.

Tenants shall have the options annually of electing any of these three rent options, with the exception that once the Moving To Work option has been chosen, the family will be changed over to that program, and may not elect to change back.

- 1.** Upon the expiration of the 12-month period following employment of a family member for an eligible family as defined under the definition of annual income, the rent payable by the family may not be increased due to continued employment of that family member for another 12-month period following expiration of the 12-month disallowance by more than 50% of the total amount of the rent increase.
- 2.** A family that chooses the Flat Rent may request that their rent be changed to the income based rent option if they wish. However, after making such a request, they would be required to report any changes of income or family composition, and they would not have the option of changing back to the Flat Rent amount until their next regularly schedule re-examination.

3. Flat Rent amounts will be determined by the H. A. taking into consideration the Section 8 Program Fair Market Rent Levels, comparable open market rental with similar size, location, age, and amenities, and other local considerations including Moving To Work rent levels. Flat Rents may only be changed once annually.

## **PART VIII – ADDITIONAL CHARGES**

1. Each tenant is required to pay a security deposit in an amount determined by the Housing Authority (see Appendix B). Such payments must be made prior to occupancy, unless other arrangements are made with management. The security deposit will be returned to the tenant within 14 days after move-out if the following conditions are met:
  - A. There is not unpaid rent or other charges for which the tenant is liable.
  - B. The unit and all equipment are left reasonably clean and the tenant has removed all trash and debris.
  - C. There is no breakage or damage beyond that expected from normal use.
  - D. All keys issued to the tenant are turned in to the management office when the tenant vacates the unit.

Charges during occupancy may not be deducted from the security deposit, which is to be used solely to cover charges owed after move-out.

1. A late charge of \$15 will be assessed to all tenants whose rent is not receipted in person, or postmarked by the fifth working day of the month. The only exceptions to this charge will be made for tenants who have submitted a written request for a temporary rent extension, which has been approved by the Executive Director or the Executive Director's designee.
2. A key charge of \$5 will be assessed for each key requested by the tenant, after the initial move-in and at the move-out, for each key that is not returned.

## **PART IX – LEASING**

1. Prior to admission, a lease shall be signed and dated by all family members 18 years of age, or older, and by the Housing Authority. The head of the household is the person who assumes legal and moral responsibility for the household.

2. The lease is to be current at all times and must be compatible with Housing Authority policies, as well as state and federal law.
3. A copy of the lease is to be given to the lessee, who will sign an acknowledgement of receipt, and the original is to be filed in the tenant file.
4. If, through any cause, the signers of the dwelling lease ceases to be members of the tenant family, the lease is to be canceled and a new dwelling lease executed and signed by a responsible remaining member of the family, provided the family is eligible for continued occupancy.
5. If the tenant family transfers to a different low-rent unit, a new lease will be signed.
6. The lease will be amended for all rent adjustments. This procedure provides formal acknowledgement of the rent change. Documentation will be included in the tenant file to support proper notification of rent changes.
7. If, at any time during the life of the dwelling lease, any other change in the tenant's status results in the need to change or amend any provisions of the lease, or if this Housing Authority desires to waive any provisions with respect to the tenant, an amendment to the lease will be prepared.
8. All copies of lease amendments are to be dated and signed by all adult family members and the authorized Housing Authority staff member.

**PART X - RE-EXAMINATION AND REDETERMINATIONS OF TENANT ELIGIBILITY AND RENT ADJUSTMENTS**

1. Unless the Family has chosen the Flat Rent Option, as required by law, the Housing Authority will annually re-examine the status of each tenant family, relating to eligibility for continued occupancy, the rent charged and the size of the unit required. For families who remain on the Flat Rent, a re-examination will only be required to be completed every three years. Families on the Flat Rent are required to report changes in family composition as they occur to determine the size of unit required, or whether a transfer is necessary.
2. When an annual re-examination is required, the Housing Authority will require a written application for continued occupancy from each family, signed by the head of the family or the spouse, which will set forth in adequate detail all data and information necessary to enable the Housing Authority to determine: (1) whether or not the family meets the requirements of eligibility for continued occupancy; (2) the rent to be charged; and (3) the size of the unit required.

3. Families who were receiving rental assistance as of June 19, 1995, will have to certify citizenship or verify eligible alien status at their first re-examination after that date.
4. Tenants who, at the time of application for continued occupancy, are deemed ineligible by failure to meet the continued occupancy requirements, shall be notified in writing of such ineligibility and the reason therefore, and be advised of their right to request a hearing.
5. Rents will be reviewed at the time of the annual re-examination and, if appropriate, be changed. No decrease or increase in rent will be made until all the facts have been verified. All families not on the Moving To Work Program will be given the option of either the Flat Rent or an income based rent annually.
6. All families must report changes in family composition at the time they occur. This could change the unit size requirement and the rent the family pays.
7. Once rent is established, such rental rate shall remain in effect until the family chooses not to stay on the Flat Rent or the next annual re-examination, special re-examination or an interim rent adjustment for an unanticipated change in income or family composition. For families paying an income based rent, any time any of the following circumstances occur, rent and income will be reviewed:
  - A. A decrease in family income, which would lower the rent, in accordance with the approved schedule.
  - B. A change in income source into the home. Failure to report the occurrence of the changes set forth above within ten days will require a retroactive rent charge, when necessary.
  - C. Any tenant who reports a change in family circumstances (such as a decrease in income) shall be given an interim redetermination and if, upon verification, it is determined the existing gross rent exceeds the gross rent payable on the current family income, an appropriate adjustment of rent shall be effected. In the event rent is decreased in accordance with this provision, the tenant must report all changes in family circumstances (such as an increase in income), which occur prior to the next regular re-examination, and the gross rent will be appropriately adjusted.
1. Increases in rent, resulting from rent reviews, are effective the first of the second month following the reported change.

2. Decreases in rent are effective the first of the month following the report of the change.
3. The family will be notified of any change to be made in the rent or size of dwelling occupied, together with instructions for executing a new lease or amendment.
4. "Mixed families," who were receiving assistance as of June 19, 1995, where the head and/or spouse are not citizens or eligible aliens, may choose to have their rental assistance prorated based upon the TTP and the gross rent, according to HUD regulations, or may defer termination for a maximum of eighteen months.
5. If, upon the report of a family composition change it is found that the size or composition of a family or household has changed so that the unit occupied by the family contains a number of rooms less or greater than necessary to provide decent, safe and sanitary accommodations, as described in the occupancy standards, management shall give notice of at least 30 days to the tenant that the tenant will be required to move to another unit.
6. **Transfer of Tenants:** Transfer of a family from one HUD-aided housing unit to another operated by this Housing Authority, when such family is eligible for continued occupancy in the dwelling to which it is transferred, shall not be subject to the preferences or other selection criteria.
7. If it is determined that the tenant family no longer qualifies as a family of low-income, no action may be taken to terminate the lease or commence eviction proceedings on the basis of the income of the family, unless the Housing Authority has identified, for possible rental by the family, a unit of decent, safe and sanitary housing of suitable size available at a rent not exceeding 30 percent of family income.
8. If it has been determined that a tenant has misrepresented to management the facts upon which the rent is based so that the rent paid is less than should have been charged, then the increase in rent shall be made retroactive to the date the change should have been made. If management determines that the tenant has gained admission or remained in occupancy in the Housing Authority's project through the tenant's willful misrepresentation of income, assets or family composition, management shall notify the tenant that the tenant has 30 days to find other housing and vacate the leased premises.

9. **Special Re-Examinations:** If, at the time of admission or re-examination, a family is clearly eligible, but it is not possible to make an estimate of family income for the next 12-month period with any degree of accuracy, a special re-examination should be scheduled. Prior to the time the special re-examination is scheduled, the family's rate of income, based upon the income expected to be received by the family from the date of the current determination to the date of the special re-examination, is to be projected for a 12-month period for rent purposes, even though it is known that income in such amount or from such sources will not continue for that period.

Special re-examinations must be clearly set for a definite time and controls established to assure compliance. The special re-examination shall be scheduled for either 30, 60, 90 or 120 days, depending upon the staff member's estimate of time required for the family circumstances to stabilize.

If, at the time of such special re-examination, it is still not possible to make a reasonable estimate of family income, special re-examinations shall continue to be scheduled and conducted until such time as a reasonable estimate of family income can be made for the next 12 months.

10. Families whose past employment has been sporadic, or who are on welfare, then work, then are unemployed, should not be given special re-examinations (if such an income pattern is expected to continue) as a reasonable 12 months' estimate of their income may be based upon past income and present rate of income.
11. All family member 18 years of age or older will be required to perform 8 hours of community service per month, per HUD regulations, unless exempt or participating in a self-sufficiency program

## **PART XI – LEASE TERMINATIONS**

1. The tenant may terminate the lease by providing the Housing Authority with 15 days' written notice, as defined in the lease agreement.

The lease may be terminated by the Housing Authority at any time by the giving of written notice for good cause, such as, but not limited to, repeated rent delinquency, failure to pay service charges, serious or repeated interference with the rights of other tenants or neighbors, serious or repeated damage to the lease premises, creation of physical or health hazards, failure to fulfill tenant obligations set forth in the lease, meeting community service requirements, or for serious or repeated violations of the terms of the lease or for other good cause.



2. A family who has had termination of assistance deferred for the maximum three-year period because family members are not citizens or eligible aliens, and either refuses a prorated rent or is ineligible for a prorated, rent, will be served a 30-day termination notice.
3. If the Housing Authority terminates the lease, written notice will be given as follows:
  - A. At least 14 days prior to termination in the case of failure to pay rent.
  - B. Three days prior to termination commensurate with the urgency of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants, or Housing Authority employees, or the safety of the premises.
  - C. At least 30 days prior to termination in all other cases.
1. Notice of termination to tenant shall state reasons for the termination, shall inform the tenant of his/her right to make such reply as he/she may wish, and of his/her right to request a hearing in accordance with the Housing Authority's grievance procedure.
2. Grievances or appeals concerning the obligations of the tenant or the Housing Authority under the provisions of the lease shall be processed and resolved in accordance with the grievance procedure of the Housing Authority, which is in effect at the time such grievance or appeal arises, which procedure is posted in the area management office and incorporated herein. The Housing Authority is not required to provide for a grievance hearing when the tenant owes any outstanding rent or other charges to the Housing Authority, unless the grievance concerns the amount of such rent or charges and such amount is placed in escrow as required by the grievance procedure of the Housing Authority.

## **PART XII – FAMILY SELF-SUFFICIENCY**

Resident families, who request such services, will be provided with assistance by the Housing Authority to link the families with available resources, as necessary, which will enable the families to achieve a goal of self-sufficiency from subsidized housing and other forms of public assistance.

### **PART XIII – GRIEVANCE PROCEDURE**

The following appendix is an attachment to the policy, which may change from time to time. Such changes will not affect the content of the preceding policy.

### **PART XIV – PET POLICY**

The pet policies in Appendix D are an attachment to this occupancy policy, and may change from time to time. Such changes will not affect the content of the preceding policy.

**APPENDIX A**

**Income Limits**

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Low	20,550	23,500	26,400	29,350	31,700	34,050	36,400	38,750

<u>9</u>	<u>10</u>	<u>11</u>
41,100	43,450	45,800

80% of Median

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Very Low	12,950	14,800	16,650	18,500	20,000	21,450	22,950	24,400

<u>9</u>	<u>10</u>	<u>11</u>
25,900	27,400	28,850

50% of Median

Income limits for larger families will be calculated as needed.

## **APPENDIX B**

### **Security Deposit**

The security deposit for all tenants is one month's tenant rent.

## APPENDIX C

### Utility Allowance

#### CAL 30-1 through CAL 30-17:

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
41	48	57	60	67

#### CAL 30-19 through CAL 30-24:

<u>3</u>	<u>4</u>
87	92

The utility allowance schedule is based upon utility consumption of major appliances, such as heating furnace, hot water heater, range and refrigerator. The electricity allowance also includes consumption for minor electrical appliances, such as toasters and can openers.

## APPENDIX D

### HOUSING AUTHORITY OF THE COUNTY OF TULARE PUBLIC HOUSING FAMILY RULES FOR PETS

The following rules are established to govern the keeping of pets in public housing properties owned or operated by the Housing Authority of the County of Tulare. Guide dogs for the blind, or other animals specifically utilized in assisting the handicapped, are excluded from these rules. Management may designate areas as pet-free in the individual complexes. These areas may include, but shall not be limited to, stairways, elevators, floors of buildings, etc. Dogs are not allowed in the following complexes: CAL 30-16, CAL 30-17, units on Pinkham in Visalia, units on Orange Circle in Tulare, and units in the 700 block of "P" Street in Tulare.

All pets must be registered with the Housing Authority, and tenants must receive a written permit to keep any animal on or about the premises. This privilege may be revoked at any time, subject to the Housing Authority Grievance Procedure, if the animal becomes destructive, a nuisance to others, or if the tenant and/or owner fail to comply with the following:

1. A maximum number of two (2) pets are allowed, but only one (1) dog.
2. Permitted pets are domesticated dogs, cats, birds and fish aquariums. Dogs' and cats' weight must be under twenty-five (25) pounds.
3. Dogs are to be licensed yearly with the proper authorities, and tenants must show proof. No vicious or intimidating animals are to be kept.
4. All cats and dogs are to be neutered or spayed.
5. No pet may be kept in violation of humane or health laws.
6. Dogs shall remain in the tenant's unit or within tenant's fenced property, unless they are on a leash. Birds must be confined to a cage at all times.
7. Cats are to use litter boxes kept in tenant's premises, and cleaned periodically. Tenant is not allowed to let waste accumulate.

8. Tenants are responsible for promptly cleaning up pet droppings, if any, inside and outside the unit, and properly disposing of said droppings.
9. Tenant shall take adequate precautions to eliminate any pet odors within or around unit, and to maintain unit in a sanitary condition.
10. Tenant shall not permit disturbance by their pet, which would interfere with the quiet enjoyment of other tenants, whether by loud barking, howling, biting, scratching, chirping or other such activities.
11. If pets are left unattended for twenty-four (24) hours, or more, the Housing Authority may enter the unit to remove the pet and transfer it to the proper authorities, subject to the provisions of Section 1954 of the California Civil Code. The Housing Authority accepts no responsibility for the pet under such circumstances.
12. Tenants shall not alter their unit, patio or unit area to create an enclosure for an animal.
13. Any animal running loose will be turned over to the animal control officer.
14. Tenants are responsible for all damages caused by their pet(s).
15. Tenants are prohibited from feeding stray animals. The feeding of stray animals shall constitute having a pet without the permission of the Housing Authority.
16. Tenant shall pay a pet fee of \$5.00 per pet per month for dogs and cats.
17. Pets are to be kept flea, tick and lice-free at all times. Tenants will be responsible for flea and tick eradication in the event of infestation.
18. Dogs are to be housebroken and at least six months old before they are allowed in the tenant's unit.
19. Tenants who violate these rules are subject to the following:
  - A. Being required to get rid of their pet(s) within thirty (30) days of notice by the Housing Authority; and/or
  - B. Eviction.

I have read and understand the above regulations regarding pets and agree to conform to same.

---

Tenant's Signature

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Date

---

Tenant's Signature

---

Date



**HOUSING AUTHORITY OF THE COUNTY OF TULARE**  
**ELDERLY AND DISABLED**  
**RULES FOR PETS**

The following rules are established to govern the keeping of pets in public housing properties owned or operated by the Housing Authority of the County of Tulare. Guide dogs for the blind, or other animals specifically utilized in assisting the handicapped, are excluded from these rules. Management may designate areas as pet-free in the individual complexes. These areas may include, but shall not be limited to, stairways, elevators, floors of buildings, etc.

Tenants permitted pets are those sixty (60) years of age, or older.

All pets must be registered with the Housing Authority, and tenants must receive a written permit to keep any animal on or about the premises. This privilege may be revoked at any time, subject to the Housing Authority Grievance Procedure, if the animal becomes destructive, a nuisance to others, or if the tenant and/or owner fail to comply with the following:

1. A maximum number of two (2) pets are allowed.
2. Permitted pets are domesticated dogs, cats, birds and fish aquariums. Dogs must weigh under twenty-five (25) pounds.
3. Dogs are to be licensed yearly with the proper authorities, and tenants must show proof. No vicious or intimidating animals are to be kept.
4. All cats and dogs are to be neutered or spayed.
5. No pet may be kept in violation of humane or health laws.
6. Dogs shall remain within the tenant's unit or the tenant's fenced property, unless they are on a leash. Birds must be confined to a cage at all times.
7. Cats are to use litter boxes kept in tenant's premises, and cleaned periodically. Tenant is not allowed to let waste accumulate.
8. Tenants are responsible for promptly cleaning up pet droppings, if any, inside and outside the unit, and properly disposing of said droppings.

9. Tenant shall take adequate precautions to eliminate any pet odors within or around unit, and to maintain unit in a sanitary condition.
10. Tenant shall not permit disturbance by their pet, which would interfere with the quiet enjoyment of other tenants, whether by loud barking, howling, biting, scratching, chirping or other such activities.
11. If pets are left unattended for twenty-four (24) hours, or more, the Housing Authority may enter the unit to remove the pet and transfer it to the proper authorities, subject to the provisions of Section 1954 of the California Civil Code. The Housing Authority accepts no responsibility for the pet under such circumstances.
12. Tenants shall not alter their unit, patio or unit area to create an enclosure for an animal.
13. Any animal running loose on the project will be turned over to the animal control officer.
14. Tenants are responsible for all damages caused by their pet(s).
15. Tenants are prohibited from feeding stray animals. The feeding of stray animals shall constitute having a pet without the permission of the Housing Authority.
16. Tenant shall pay a deposit for each pet as follows:
 

A.	Dog	\$100.00
B.	Cat	\$100.00
C.	Fish or Bird	-0-

The tenant shall pay this deposit in advance, or upon the acceptance of said pet(s). This deposit is refundable if no damage is done, as verified by the Housing Authority, after tenant disposes of the pet(s), or moves.

17. Pets are to be kept flea, tick and lice-free at all times. Tenants will be responsible for flea and tick eradication in the event of infestation.
18. Dogs are to be housebroken and at least six months old before they are allowed in the tenant's unit.

- 19.** Tenants who violate these rules are subject to the following:
- A.** Being required to get rid of their pet(s) within thirty (30) days of notice by the Housing Authority; and/or
  - B.** Eviction

I have read and understand the above regulations regarding pets and agree to conform to same.

\_\_\_\_\_  
Tenant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant's Signature

\_\_\_\_\_  
Date

## **APPENDIX E**

### **Flat Rents**

One-Bedroom	\$300
Two-Bedroom	\$325
Three-Bedroom	\$375
Four-Bedroom	\$400
Five-Bedroom	\$425

**SECTION 8**  
**RENTAL ASSISTANCE**  
**POLICY MANUAL**  
**OF THE**  
**HOUSING AUTHORITY**  
**OF THE**  
**COUNTY OF TULARE**

**Adopted by the Board of Commissioners of the  
Housing Authority of the County of Tulare  
Resolution No. 2000-02  
Revised January 19, 2000**



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Appendix I





## **SECTION 8 POLICIES**

### **INTRODUCTION**

The Housing Authority of the County of Tulare currently provides Section 8 rental assistance through the Voucher, Aftercare, Moderate Rehabilitation and the Moving to Work Demonstration Programs.

Except for Moving to Work, this administrative plan and occupancy policy addresses the areas of all programs, which are consistent in the main body of the text. Areas, which are unique to individual programs, are detailed in chapters covering each program separately. Definitions have been combined for ease of referral. The Moving to Work Program is addressed in a separate policy.

## DEFINITIONS

1. **Adjusted Income:** Annual income, less:
  - (A) \$480 for each dependent (refer to definition #11)
  - (B) \$400 for any elderly family (refer to definition #15)
  - (C) Medical expenses in excess of three percent of annual income for any elderly family (refer to definition #31)
  - (D) Child care expenses (refer to definition #6)
  - (E) Handicap assistance expenses (refer to definition #24)

1. **Affordability Adjustment:** An increase in the amount of a family's housing assistance payments for vouchers to assure continued affordability of housing by participating families.

The Public Housing Agency (PHA) has the flexibility of making, or not making, affordability adjustments.

Affordability adjustments are made to offset increases in housing costs as a result of inflation.

2. **Aftercare:** The housing assistance program for the disabled (Aftercare Program), provides rental assistance to very low-income persons who are certified to be physically, developmentally or mentally disabled. This certification, given by recognized supportive service agencies, must include participation by the disabled person in a planned and ongoing program(s) of rehabilitation, education or other supportive services that are directly related to the disability. The qualifying supportive services rendered by the service agency or affiliated provider must be of such a nature that would allow a person to live independently within the community. The agency would give the participant a "Certificate of Disability."

3. **Annual Income:**

- (A) Annual income is the anticipated total income from all sources received by the family head and co-tenant (even if temporarily absent), and by each additional member of the family, including all net income derived from assets for the 12-month period following the effective date of initial determination, re-examination or redetermination of income, exclusive of income that is temporary, non-recurring or sporadic, as defined in paragraph C.1 of this section, and exclusive of certain other types of income specified in paragraph C.2-11 of this section.

**(B)** Income includes, but is not limited to:

1. The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based upon straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends and other net income of any kind from real or personal property (for this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property).

Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets (see definition), or a percentage of the value of such assets based upon the current passbook savings rate as determined by the United States Department of Housing and Urban Development (HUD). On contracts for sale of real estate, deeds of trust or mortgages held by the applicant or tenant, only the interest portion of the monthly or annual payments received by the applicant or tenant is included as income.

4. The gross amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.
5. Payments in lieu of earnings, such as unemployment and disability compensation, Worker's Compensation and severance pay.
6. Welfare assistance, including any amount being deducted from the family's grant because of fraud or failure to participate in economic self-sufficiency programs or comply with work activities. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

- (a) The amount of the allowance or grant, exclusive of the amount specifically designated for shelter or utilities, plus
  - (b) The maximum amount the welfare assistance agency could, in fact, allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph 6(b) shall be the amount resulting from one application of the percentage.
- 2. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions and gifts received from persons not residing in the dwelling.
- 3. 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, spouse or other family member whose dependents are residing in the unit.
- 4. Income of related 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 towards 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.
- 5. If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

**(A) Annual income does not include:**

- 1. Temporary, non-recurring or sporadic income, such as the following:
  - (a) Casual, sporadic or irregular gifts; or
  - (b) Amounts that are specifically received for, or in reimbursement of, the cost of medical expenses.
- 1. Payments received by participants in other publicly assisted programs as reimbursements for out-of-pocket expenses incurred (special equipment, clothing, transportation, reimbursement for child care, and so forth), which are made solely to allow participation in a specific program and cannot be used for other purposes.

2. 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, or deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump-sum amount or in prospective monthly amounts. These amounts could become net family assets.
3. Any earned income tax credit to the extent it exceeds income tax liability.
4. Amounts of educational grants and 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 costs of tuition, fees, books, transportation and equipment (this would include federal work-study wages).
5. Income received under a HUD-training program.
6. A resident service stipend which does not exceed \$200 per month.
7. Income from state or local employment-training programs, as long as it is for a limited time to be determined "in advance."
8. Earnings of full-time students over 18 years of age in the home, other than head or spouse, over \$480 per year (the first \$480 or less would be counted).
9. Adoption assistance payments over \$480 per year per child to help families adopting children (these children would get the \$480 deduction).
10. Any state or local refunds or rebates for property taxes.
11. Payments made by a state agency to a family with a developmentally disabled family member living in the home to offset the cost of services and equipment needed to keep that family member at home.
12. The hazardous-duty pay to a family member in the armed forces away from home and exposed to hostile fire.
13. Income from employment of children (including foster children) under the age of 18 years.
14. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan to Attain Self Sufficiency (PASS).

15. Income earned as census takers.
16. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment-training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment-training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.
17. Payments received for the care of foster children.
18. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility, or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following types of income are subject to such exclusion:
  - (a) Relocation payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621-4993).
  - (b) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2011-2029).
  - (c) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951-4993).
  - (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 16269(a)).
  - (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459(e)).
  - (f) Payment or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8621-8629).
  - (g) Income derived from the disposition of funds of the Grand River Bank of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-2504).
  - (h) The first \$2,000 of per-capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-

1408), or from funds held in trust for an Indian tribe by the Secretary of the Interior (25 U.S.C. 117).

1. Payments received from the Job Training Partnership Act (29 U.S.C. 1552(b)).
2. Payments received pursuant to participation in the following programs:

Programs under the Domestic Volunteer Service Act of 1973, including but not limited to, the National Older Americans Volunteer Programs (OAVP) of the Federal Action Agency for persons age 60 and over, including the following:

- (a) Retired Senior Volunteer Program (RSVP)
- (b) Foster Grandparent Program (FGP)
- (c) Senior Companion Program (SCP)
- (d) Older American Committee Service Program
- (e) National volunteer antipoverty programs, such as VISTA, Peace Corps, Service Learning Program and special volunteer programs
- (f) Small Business Administration Programs, such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).
- (g) Title V – Community Service Employment for Older Americans, which includes:
  - (i) Senior Community Service Employment Program
  - (ii) National Caucus Center on Black Aged
  - (iii) National Urban League
  - (iv) Association National Pro Personas Mayores
  - (v) National Council on Aging
  - (vi) National Council of Senior Citizens
  - (vii) Green Thumb





1. If a live-in attendant who would not otherwise live in the unit is not expected to, and does not therefore, 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 medical expenses. These attendants do not have residual rights. If a live-in attendant is a relative who would not otherwise live in the unit, the family may make a one-time option whether or not to count that person as a family member with residual rights, or as a live-in attendant.

**Assets** – See “Net Family Assets”

1. **Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such is necessary to enable a family member to be gainfully employed or to further his or her education. The amount deducted shall reflect reasonable charges for childcare, and in the case of childcare, necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. When the deduction is to facilitate further education, the amount must not exceed a sum reasonably expected to cover class time and travel time to and from classes.
2. **Citizen:** A resident by birth or naturalization of the United States.
3. **Continued Assistance:** Continuing to make rental assistance payments for eligible “mixed families” who were receiving rental assistance on June 19, 1995. Either the head of household or spouse must have legal residence to be eligible.
4. **Co-Tenant:** The husband or wife of the head-of-household, or person living with the head-of-household in a spousal relationship.
5. **Contract Rent:** “Contract rent” means the rent charged a tenant for the use of the dwelling accommodation and equipment (such as ranges and refrigerators, but not including furniture), services and reasonable amounts of utilities determined in accordance with the Housing Authority's schedule of allowances for utilities.
6. **Dependent:** A member of the family household (excluding foster children), other than the family head or co-tenant, who is under 18 years of age, or is over 18 and a disabled person or handicapped person, or if a fulltime student.
7. **Disabled Person:** A person is considered disabled if for the purposes of the Section 8 Program if: (1) the following Social Security disability definition is met, or (2) the individual has a developmental disability as described in paragraph B.

(A) Section 223 of the Social Security Act defines disability as an inability to engage in any substantial, gainful activity because of any physical or mental impairment that is expected to result in death or has lasted, or can be expected to last, continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial, gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.

(B) Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) defines developmental disability in functional terms as:

“Severe, chronic disability that: (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age 22; (c) is likely to continue indefinitely; (d) results in substantial, functional limitations in three or more of the following areas of major life activity: (1) self care; (2) receptive and responsive language; (3) learning; (4) mobility; (5) self direction; (6) capacity for independent living; (7) economic self sufficiency; and (8) reflects the person’s need for a combination and sequence of special, inter-disciplinary or generic care, treatment or other services which are of life-long or extended duration and are individually planned and coordinated. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence.

It should be noted that the receipt of veteran’s benefits for disability, either service-incurred or otherwise, does not automatically establish disability as defined above, and the PHA must make the determination on the basis of its evaluation of the applicant’s condition.

Disabled or handicapped status can be verified by a doctor’s statement or other reliable medical source.

1. **Displaced (Involuntary):** Involuntarily displaced applicants are applicants who have vacated or will (within no more than six months from date of certification or verification), vacate housing as a result of:

(A) A disaster (fire, flood, etc.);

(B) Federal, state or local government action related to code enforcement, or public improvement/development; or

(C) Action by a housing owner, which is beyond an applicant’s ability to control, occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.

1. **Educational Institution:** An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a degree.
2. **Elderly Family:** A family whose head or co-tenant is a person who is an elderly, disabled or handicapped person. It may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well-being.
3. **Elderly Person:** A person who is at least 62 years of age.
4. **Eligible Alien:** A person lawfully admitted for residence to the United States.
5. **Extremely Low-Income Family:** A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD and adjusted by family size.
6. **Fair Market Rents:** HUD publishes Fair market rents on an annual basis to determine modest, non-luxury rents for the area. These are the basis for determining the Payment Standards for the Voucher program.
7. **Family:** “Family” means two or more persons who regularly live together as a family, provided the income and resources of all adult members of the family are available for, and actually used in, meeting the living expenses of the family. There may also be considered as part of the family group (including members of the family temporarily absent), persons whose income and resources are available for use in meeting the living expenses of the group. Lodgers may not be included in the family.

When considering child custody to meet eligibility as a family, an adult must have custody of a child for at least six months of the coming year for the child to be considered a family member.

In joint custody cases, two adults cannot both claim the same children for eligibility purposes.

8. **Family Self Sufficiency:** The Family Self Sufficiency (FSS) program provides assistance to families who wish to participate and sign a contract to achieve self sufficiency. The Housing Authority is responsible for locating necessary, supportive services to enable the family to achieve that goal.
9. **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.
10. **Gross Rent:** “Gross rent” means contract rent, plus the Housing Authority’s estimate of the cost to the tenant of reasonable quantities of utilities determined in accordance with the Housing Authority’s schedule of allowances for such utilities, where such utilities are purchased by the tenant and not included in the contract rent.

11. **Handicap Assistance Expense:** Anticipated costs for care attendants and auxiliary apparatus for handicapped and disabled family members, which enable a family member (including the handicapped member), to work. The amount allowable as a deduction is the amount that exceeds three percent of annual income and cannot exceed the amount earned. Expenses can include alterations to vehicles.
12. **Handicapped Person:** A person having a physical or mental impairment, as defined by the regulations implementing the Fair Housing Act (currently 24 CFR 100.201).
13. **Head of the Household:** The head of the household is the person who assumes legal and moral responsibility for the household. A head-of-household must be at least 18 years of age or an emancipated minor.
14. **Housing Assistance Payments (Contract):** A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family (sometimes referred to as the HAP contract).

For the Section 8 program, the HAP contract is executed between the PHA and a private owner.

15. **Live-In Attendant:** A person who would otherwise not live in the unit and who is determined to be essential to the care and well-being of an elderly, disabled or handicapped tenant. A live-in attendant is not considered a family member and is not expected to contribute to the family. Their income is not counted, and they have no residual rights to occupancy if the family vacates the unit. The Housing Authority must be furnished with the name of any live-in attendant(s), and may refuse to allow as an attendant persons who owe money to this agency. If a relative who would not otherwise live in the unit is chosen as a live-in attendant, the family will have a one-time option to decide if that person will be considered a family member with residual rights to the unit or as strictly a live-in attendant.
16. **Lower-Income Family:** A family whose income is between 51% to 80% of the median income for the area as determined by HUD, with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80% on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.
17. **Medical Expenses:** Those medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by any insurance. (Medical expenses are allowed only for elderly, disabled or handicapped households.) The amount allowable as a deduction is the amount that exceeds three percent of annual income, if there is any amount of the three percent of annual income remaining after it has been deducted from any handicap assistance expenses.

Examples of medical expenses are dental expenses, transportation costs, prescription medicines, medical insurance premiums, eye glasses, hearing aids and batteries, the cost of a live-in resident assistant, monthly payments required on accumulated major medical bills, including that portion of the spouse's or children's' nursing home care paid from tenant family income(s).

18. **Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.
19. **Moderate Rehabilitation Program:** This program encourages the preservation of existing rental housing by making it possible for marginally substandard units to be rehabilitated. Modeled after the Section 8 Existing Housing Program, it provides guaranteed rental assistance for 15 years to owners who rehabilitate housing for use by families eligible for Section 8 rental subsidies. The subsidy, in this case, stays with the unit, not with the family.
20. **Net Family Assets:** Value of equity in real property, savings, stocks, bonds and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property, such as furniture and automobiles, shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered as an asset, so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Section 812.106.)

In determining net family assets, PHAs shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable. The amount counted will be the market value, less costs and the amount actually received. In the case of a divorce, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

21. **Operating Reserve:** An account credited with earned administrative fees that exceeds expenditures for program administration during the PHA fiscal year. These funds may only be used for other housing purposes consistent with the PHA's authority and local law.
22. **Payment Standards:** Payment standards are used by the PHA to calculate the amount of a family's housing assistance payment for the voucher program. Payment standards are established by unit size.

These payment standards cannot exceed the published FMRs or any approved community-wide exception rent, and will not be less than 90% nor more than 110% of either of the above.

- The payment standard used to calculate the family's share of rent will be either the standard for the size unit the family is eligible for, or the standard for the actual unit size chosen, whichever is smaller.
23. **Portability:** "Portability" is defined as the ability for a Section 8 voucher holder to move from the jurisdiction of its current HA to the jurisdiction of another PHA.
- A PHA that administers a housing voucher program must accept a housing voucher holder from another PHA's jurisdiction.
24. **Proration of Assistance:** "Mixed families" with some members who are citizens or eligible aliens, and some who are not, will have assistance prorated on the basis of total number of family members, divided by number of citizens or eligible aliens, based upon a HUD formula.
25. **Remaining Member of a Tenant Family:** "Remaining member of a tenant family" means an individual remaining in a unit when other member(s) of an assisted family have moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled or handicapped head-of-household or spouse, and whose income was not counted for eligibility or TTP purposes.
26. **Rent:** "Rent" means gross rent, as defined in this section.
27. **Rent Reasonableness:** Once the contract and gross rents have been determined, the PHA must determine whether or not the rental rate is reasonable. The PHA must certify and document that the contract rent is reasonable in relation to rents currently being charged for comparable units in the private, unassisted market, and that the contract rent is not in excess of rent currently being charged by the owner for comparable unassisted units, taking into consideration the location, unit type, age and amenities to be sure there is a valid comparison. In order to satisfy these requirements, the PHA must have an overall knowledge of the rental market within its jurisdiction and data on the rents being charged for specific units.
28. **Security Deposit:** A dollar amount set according to the regulations, which can be used for rent or damages owed to the owner upon termination of the lease. The amount will equal one month's "contract" rent.
29. **Servicemen:** Persons currently serving in the military or naval forces of the United States.
30. **Single Person:** "Single person" means a person living alone, or intending to live alone, and who does not qualify as an elderly family or a displaced person, as defined in this section, or as the remaining member of a tenant family.
31. **Single-Room Occupancy Housing (SRO):** An SRO is a unit which contains no sanitary facilities or food preparation facilities, or which contains one, but not both, type of facility, and which is suitable for occupancy by a single, eligible individual capable of independent living. SRO housing may be used only if:

- A. The property is located in an area in which there is a significant demand for SRO units, as determined by the HUD field office; or
- B. The PHA and the unit of general local government and the local PHA certify to HUD that the property meets applicable local health and safety standards for SRO housing.

In the absence of local health and safety standards for SRO housing, sanitary facilities, space and security must meet the requirements in the American Public Health Association's Recommended Housing Maintenance and Occupancy Ordinance.

Each SRO unit shall be occupied by one person only.

Exterior doors and windows accessible from outside the SRO unit shall be lockable.

1. **Suspension:** Stopping the clock on the term of a family's voucher for a period determined by the PHA from the time when the family submits a Request for Lease Approval for a unit until the time when the Housing Authority approves or denies the request.
2. **Temporary Deferral:** Continuing rental assistance for families who were receiving assistance on June 19, 1995, who are either not legally in this country, or are a "mixed family" who is not eligible for continued assistance because either the head-of-household or spouse is not legally in this country. The maximum deferral period is eighteen months.
3. **Tenant Rent:** The amount payable monthly by the family as rent. Other than for vouchers, where all utilities (except telephone) and other essential housing services are supplied by the owner. Tenant rent equals total tenant payment. Where some or 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, tenant rent equals total tenant payment, less the utility allowance. In some cases, this could result in a utility reimbursement.
4. **Total Tenant Payment:** The monthly amount calculated under the federal regulation. This amount is equal to 30% of the family's average monthly-adjusted income. The minimum total tenant payment (TTP) for participating families will be \$50.
5. **Utility Allowance:** If the cost of utilities (except telephone) for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.



6. **Utility Reimbursement:** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. In such cases, a check will be made payable jointly to the tenant and the utility company.

7. **Very Low-Income Family:** A 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 incomes.
8. **Veteran:** A person who has received an honorable discharge from the United States military service.
9. **Voucher:** The housing voucher is a document issued by a PHA, declaring a family to be eligible for participation in the housing voucher program and stating the terms and conditions for the family's participation,

## I. RECEIPT OF APPLICATION AND ESTABLISHMENT OF A WAITING LIST

- A. **Receipt of Application:** Telephone applications for Section 8 programs will be taken by the Housing Authority administrative office handling the Section 8 program. Applications will be accepted from families apparently eligible for any or all programs. A confirmation letter will be sent to each family.
- B. **Processing of Applications:** The application constitutes the basic record of each family applying for admission. Each application shall reflect the date and time received, preference status, estimated family income, race, gender, ethnicity and size of dwelling required. The application, together with all other materials relating to the family's eligibility and preference rating, etc., will be maintained in an active file for eligible applicants.
- C. **Families Determined to be Ineligible:** If an applicant family is determined to be ineligible on the basis of income, family composition, or for any other reason, the applicant shall be notified promptly by letter of the determination and the reasons therefore. The applicant shall be informed in the letter of his or her right to an informal hearing, to be requested within ten days from the date of the letter, to make a reply or explanation as he or she may wish. If, after the hearing, the applicant is still determined to be ineligible, the applicant shall be notified in writing. (See regulations and hearing procedure for applicants.)

The Housing Authority will retain inactive files for a period of three years. These files will contain copies of the application and all related correspondence, and will be maintained separately from the active files.

- D. **Formally Closed Waiting Lists:** Applications may be suspended if the number of families on the waiting list is such that there is no possibility of reasonably estimating when they could receive assistance.

In such a case, application taking may be temporarily suspended (see regulations). The suspension of application taking will be publicly announced by publication of a notice in a newspaper of general circulation, as well as through minority media and other suitable means. The announcement will specify the effective date of the suspension.

**E. Placement of Applicants on the Waiting List:**

1. A centralized waiting list for all Section 8 programs will be maintained by the PHA. The waiting list will show the family's name, the date and time of application, any preferences for which the applicant is eligible, and the appropriate size unit. The waiting list format must contain sufficient information for proper selection by the PHA of families who are next eligible for an allocation according to its Equal Opportunity Housing Plan. (See Section VII, "Selection of Families for Issuance of Vouchers.") It should be noted that if a family's eligibility has been determined immediately, all income has been verified, and the appropriate size allocation is available for which no other eligible family has been waiting, the PHA may immediately schedule a briefing.

All other families will have at least a temporary wait while income and other factors are being verified, as well as waiting for their name to be reached if other applicants are ahead of them on the waiting list. If verification occurred more than 60 days prior to selection, the information should be re-verified prior to briefing and issuing a voucher.

2. The waiting lists for all programs will be purged on a regular basis in order to maintain an accurate record of the number of families actually wanting assistance. An application will be placed inactive when:
  - a. Applicant so requests in writing.
  - b. The Housing Authority is unable to contact the applicant at the address shown on their application.
  - c. The applicant fails to respond to Housing Authority requests for information.
  - d. The applicant fails to provide requested verifications.

- e. The applicant fails to attend a briefing to obtain a voucher. If the applicant notifies the Housing Authority of extenuating circumstances, which prevented attendance, the applicant may be reinstated on the waiting list. Families may be reinstated on the waiting list in the same numerical sequence they previously occupied if such a decision is reached during an informal review. (See hearing procedures for applicants.)
- f. If requested as a reasonable accommodation, the Housing Authority will reinstate an applicant who has been purged, back on the waiting list to the original date and time of their application.

## **I. ELIGIBILITY REQUIREMENTS**

- A. To be eligible for admission, a family or single person's annual income must fall within the applicable income limits for the area.
  - 1. A family consists of:
    - a. Two or more persons who have a family-type relationship (see definition).
    - b. A single person who is:
      - (1) At least 62 years of age.
      - (2) Handicapped (see definition).
      - (3) Disabled (see definition).
      - (4) Displaced by governmental action, or by a formally recognized disaster.

A single person may require a "live-in attendant" who is essential to the care and well being of the single person.

- (a) Whose income is not to be counted for the purpose of determining eligibility or rent.
- (b) Such persons whose incomes are not counted for determining the eligibility and rent of the family would not be parties to the lease and would not be considered the remaining member of a tenant family in the event the lessee dies or vacates the dwelling unit.

(c) The Housing Authority must be told the name of the person who will be living in the unit as the live-in attendant. The Housing Authority may disapprove the proposed aide if that person owes money to the Housing Authority, or commits fraud or bribery, or other criminal acts in connection with any federal housing program.

(1) Pregnant, who is at least 18 years of age or an emancipated minor. A doctor must verify the pregnancy.

1. **A Remaining Member of a Tenant Family:** “A remaining member of a tenant family” means an individual remaining in a unit when other member(s) of an assisted family have moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled or handicapped head-of-household or spouse, and whose income was not counted for eligibility.

2. **Other Single Persons:** However, families and single persons who are 55 years or older, disabled or handicapped would be housed prior to those who do not qualify for one of those categories.

A. **Determination of Income Eligibility:** If the PHA does not anticipate it will be ready to issue a voucher to a potentially eligible applicant within three months, a general assessment of the applicant’s income eligibility will be made on the basis of information given on the application. If, however, the PHA anticipates it will have a voucher available for the applicant within the recommended time frame, detailed income verification procedures must be performed, as required by Section 882.116(c) of the regulations, and computed in accordance with Sections 889.102, 889.103 and 889.104 of the regulations. Once computed and verified, the PHA must compare the annual income to the appropriate income limits established by HUD for the program.

1. **Income Limits:** HUD established the following income limit schedules for the PHA’s areas of operation (see Appendix I):

a. **The Very Low-Income Family Schedule** represents income limits that do not exceed 50% of the median income for a family of four for the area, adjusted for smaller and larger families. Families applying for initial participation must have annual incomes (see definition) which do not exceed these limits.

b. **Lower-Income Family Schedule** represents income limits that do not exceed generally 80% of the median income for a family of four for the area, adjusted for smaller and larger families.

1. **Other Factors Affecting Applicant Eligibility:** See Part III – Grounds for Denial or Termination of Assistance.

## **I. GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE**

- A.** The Housing Authority must deny or terminate tenancy to persons convicted of manufacturing or producing methamphetamines on the premises.
- B.** The Housing Authority must deny or terminate tenancy to any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration program.
- C.** Housing assistance is restricted to citizens and non-citizens who have been lawfully admitted to the United States. Families who have no citizens or eligible alien members are not eligible. “Mixed families” may be eligible for prorated assistance.
- D.** The Housing Authority may deny an applicant admission for participation in the program, may deny issuance of another voucher to a participant who wants to move to another dwelling unit, and may decline to enter into a contract or to approve a lease, where requested by a participant, in the following cases:
  - 1.** If the applicant or participant currently owes rent or other money to the Housing Authority or another housing authority.
  - 2.** If the applicant, as a previous participant in the Section 8 program, or as a current participant, has not reimbursed the Housing Authority or another housing authority for any amounts paid to an owner on a claim for rent, damages or vacancy loss.
  - 3.** If the applicant or participant has breached an agreement to repay monies owed in the above instances.
  - 4.** If the applicant or participant has committed any fraud in connection with any federal housing assistance program.
  - 5.** If any member of the family has been evicted from federally assisted housing in the last five years.
  - 6.** If a Welfare-To-Work (WTW) family fails to fulfill its obligations under the Welfare-To-Work voucher program.

7. If the applicant or participant has violated any of the family obligations listed below under the Section 8 housing program:

a. The family must:

- (1) Supply any information that the Housing Authority or HUD determines to be necessary, including evidence of citizenship or eligible immigration status, and information for use in a regularly scheduled re-examination or interim re-examination of family income and composition.
- (2) Disclose and verify Social Security numbers and sign and submit consent forms for obtaining information.
- (3) Supply any information requested by the Housing Authority to verify that the family is living in the unit or information related to family absence from the unit.
- (4) Promptly notify the Housing Authority, in writing, when the family is away from the unit for an extended period of time, in accordance with Housing Authority policies.
- (5) Allow the Housing Authority to inspect the unit at reasonable times and after reasonable notice.
- (6) Notify the Housing Authority and the owner, in writing, before moving out of the unit or terminating the lease.
- (7) Use the assisted unit for residence by the family (the unit must be the family's only residence).
- (8) Promptly notify the Housing Authority, in writing, of the birth, adoption or court-awarded custody of a child.
- (9) Request the Housing Authority written approval to add any other family member as an occupant of the unit.
- (10) Promptly notify the Housing Authority, in writing, if any family member no longer lives in the unit.
- (11) Give the Housing Authority a copy of any owner eviction notice.



- (12) Pay utility bills and supply appliances that the owner is not required to supply under the lease.
- a. Any information the family supplies must be true and complete.
  - b. The family, including each family member, must not:
    - (1) Own, or have any interest in, the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).
    - (2) Commit any serious or repeated violation of the lease.
    - (3) Commit fraud, bribery or any other corrupt or criminal act in connection with the program.
    - (4) Participate in illegal drug or violent criminal activity.
    - (5) Sublease or let the unit or assign the lease or transfer the unit.
    - (6) Receive Section 8 tenant-based program housing assistance while receiving another housing subsidy, for the same unit, or a different unit, under any other federal, state or local housing assistance program.
    - (7) Damage the unit or premises (other than damage from ordinary wear and tear), nor permit any guest to damage the unit or premises.
1. If the family has ever been evicted from public housing.
  2. If the Housing Authority has ever terminated assistance under the certificate or voucher program for any family member.
  3. If any member of the family commits drug-related, criminal activity or violent criminal activity.
  4. If a family participating in the Family Self Sufficiency Program (FSS) fails to comply, without good cause, with the family's FSS contract of participation.
  5. If a family has engaged in, or threatened, abusive or violent behavior toward Housing Authority personnel.
  6. If any family member fails to sign and submit consent forms.

7. If the family is absent from their unit for over 180 days.

- A. Discretion to Enter into an Agreement:** In the cases where the family owes monies, the Housing Authority may, at its discretion, offer the applicant, or participant, the opportunity to enter into an agreement to pay amounts owed. If the Housing Authority elects to make such an offer, the agreement shall be on terms prescribed by the Housing Authority. The Housing Authority may, at any time, deny or terminate assistance for breach of such agreement.

The Housing Authority will not process portability requests for participants who are making payments on a promissory note. At such time as the note is paid in full, they will have the option of moving to another jurisdiction.

If termination of assistance is required, the Housing Authority will notify the family and give the reasons for the termination. The family will also be notified of the hearing procedures provided in Section XVII. If the matter is decided in favor of the Housing Authority, the Housing Authority will give the family and the owner a notice of termination of the contract, which will be effective the last day of the month following the month in which the notice was issued.

- B. Reinstatement on Waiting List:** Applicants determined to be ineligible may become eligible and be reinstated on the waiting list in the same numerical sequence and be offered assistance in accordance with Housing Authority policies by paying in full any outstanding balance due.
- C. Conflict of Interest:** Sections 2.18 and 2.19 of the Annual Contributions Contract (ACC) contain conflict-of-interest provisions, which may prohibit some applicants from being determined eligible for assistance (e.g., members, officers or employees of the PHA; members of the governing body of the locality or localities which exercises any responsibilities or functions with respect to the program). The PHA will contact the HUD field office for specific guidance on this subject if it has any doubt on any specific applicant. In addition, the PHA will submit a request for a waiver of the conflict-of-interest provision to the HUD field office for a specific applicant if it has determined a waiver is merited.
- D. PHA Employees Should Not Establish Selection Criteria Based Upon the Applicant's Expected Behavior as a Tenant:** In the Section 8 Existing Housing Program, tenant selection is the responsibility of the owner, and efforts by the PHA to pre-screen or voucher holders would result in owners relying on the PHA to assume a portion of their responsibility. In addition, owners' selection criteria vary widely, and any effort by the PHA to establish criteria of general applicability may result in denying the benefits of the program to families who might be acceptable to some owners. However, if asked, the Housing Authority will inform prospective landlords of the knowledge the Housing Authority may

have about a family's current or previous tenancy, including any damage claims, money owed to the Housing Authority, or previous inspections.

## **I. VERIFICATIONS**

The Housing Authority will verify all income, assets, eligible alien status and Social Security numbers for admission and continued occupancy.

When an applicant or tenant reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received (i.e., AFDC, unemployment compensation, child support, etc.), the absence of such income will be verified.

All verifications will be obtained within 60 days of the certification date, or effective date, for all subsequent re-examinations and redeterminations, to ensure that current and accurate data are being used in calculating rents and eligibility.

All income and family composition changes, which affect rent between admissions and re-examinations, will be verified in accordance with the above provisions.

Tenant files will contain documentation of all verifications.

- A.** Applicants/tenants must furnish verification, or provide authorization, for the Housing Authority to obtain verification from a third party of all statements regarding income, assets and allowances. Certification by signing the application for admission, or for continued occupancy, will normally be considered sufficient verification of family composition. However, further verification may be required, depending upon the individual circumstances of the family for family composition and any other aspects relating to the family and their income.
- B.** All income, assets (including assets disposed of within the last two years), and each applicable deduction or exemption, will be verified at the time of admission and at each subsequent re-examination or redetermination. Income will be verified by third-party verification. If third-party, written verification is not possible, a review of documentation provided by the family, such as benefit checks, income tax returns, benefit award letters, savings and checking account statements, estimated market value of real estate, United States savings bond redemption values, and other supporting documents may be accepted. In cases where third-party verification is not possible, the Housing Authority will document the reason why another method was used. Tenant statements will be used only as a final resort. Any verification form hand-carried by the tenant will be followed up by a telephone call or letter to the person filling out the form.
- C.** Self-employed persons, or persons whose earnings are irregular, will be required to furnish summary data from books of account or certified statements, showing gross receipts, itemized expenses and net income.

D. Verifications obtained by telephone or personal interview must be documented with the source, date and person receiving the information clearly indicated.

E. The following information will also be verified and documented in the tenant file:

1. Handicap, disability, veteran or serviceman status when they are a factor in determining eligibility, preference or priority.

For persons who claim disability, but who are not recipients of benefits under Section 223 of the Social Security Act or Section 102(b)5 of the Developmental Disabilities Services and Facilities Construction Amendment of 1970, a doctor's certificate as to the degree and possible length of such disability shall be required. The receipt of veteran's benefits for disability, either service-incurred or otherwise, does not automatically establish eligibility by disability.

2. Family medical needs requiring a larger unit.
3. Full-time student status.
4. Babysitting, medical and handicapped allowances.
5. Non-economic selection criteria when information provides the basis for denial of eligibility (i.e., fraud or monies owed).
6. Social Security numbers.
7. Eligible alien status for those claiming to be legal residents, and citizenship status if there is reason to doubt a claim of citizenship by an applicant or a resident.

A. Verification of age of any family member may be required.

B. **Rechecking Verified Findings Prior to Admission:** If there is a delay of any consequence between the determination of the family's eligibility and the time they can be admitted to a unit, the family will be questioned before admission in regard to any change in status. If changes are reported, they will be verified to determine their effect on eligibility, preference and priority rating, rent and unit size required.

#### **Summary of Verification Data:**

Verification data is to be reviewed and evaluated as received for completeness, accuracy and conclusiveness. Where the information received is not completely adequate in all respects, follow-ups or new efforts to obtain such information are to be made and carried through to conclusion. If during the verification process it becomes evident that, for one or

more reasons, the family is ineligible, the investigation is to be discontinued and the family notified of their ineligibility and the reasons therefore. In such a case, the family is entitled to an informal hearing (see “Hearing Procedures”).

## **I. COMPUTATION OF ANNUAL INCOME FOR ELIGIBILITY**

Once the PHA has verified all income necessary to determine income eligibility, as covered in the previous section, and has determined that it is ready to issue the family a voucher, it must compute the family’s annual income in accordance with program regulations. Income will be calculated in accordance with the procedures outlined below:

- A.** Project the income from all known sources (see definition of “annual income”) expected to come into the home during the 12-month period following the date of certification, re-examination or redetermination. Regular periods of seasonal work and lay-offs should be included.
  
- B.** Where it is difficult to project income for the coming 12-month period, it may be necessary to:
  - 1.** Estimate the anticipated income from all sources, based upon verified information. If any estimates are used, based upon specific verifications or other information, in computing income or allowable expenses on an annual basis, the PHA should clearly identify the rationale for its estimate and the specific method used.
  
  - 2.** Base the projection on amounts of actual income for the past 12 months, if circumstances are expected to be the same.
  
  - 3.** Annualize known income amounts for a 12-month period, even though those amounts are not expected to last for the full 12 months. In such cases, a special redetermination would need to be scheduled for a future date.
  
- A.** **When the Applicant Family’s Total Assets Exceed \$5,000**, including imputed amounts of assets disposed of for less than market value during the last two years (see “asset” definition), it is necessary for the PHA to make both of the following calculations to comply with program regulations:
  - 1.** Calculate the dollar amount included in the family’s annual income, which is specifically derived from assets, such as interest on savings accounts, dividends, interest portions of payments from sale of property, net income from rental of property, etc.; and
  
  - 2.** Calculate the dollar amount resulting from multiplying the value of the family’s total assets by the current passbook rate.

**The PHA must then use the larger of the dollar amounts obtained from these two separate calculations** in its final computation of the family's annual income. The resulting amount is to be included with other income sources to derive total family income.

- A. The total tenant payment shall be the higher of the following, rounded to the nearest dollar:
1. Thirty percent of monthly adjusted income; or
  2. Ten percent of monthly annual income; or
  3. The welfare rent in as-paid situations; or
  4. A minimum of \$50.

The total tenant payment shall not be increased by more than ten percent during any 12-month period as a result of redefinition or changes in government regulations. However, total tenant payment may be increased by more than ten percent during any 12-month period to the extent that the increase is solely attributable to increases in income.

- A. Adjusted income is calculated by taking the family's annual income and taking any or all of the following deductions for which it is eligible:
1. A \$480 deduction for each dependent, i.e., each family member (other than the head, spouse or foster children) who is either under 18 years of age, is a full-time student of any age, or is over 18 years of age and disabled or handicapped.
  2. The annual amount of verified medical expenses that exceeds three percent of the family's annual income, for families who qualify as "elderly families."
  3. Amounts of reasonable babysitting expenses incurred to the extent the amount allowed does not exceed the income received by the applicant from employment for which these expenses are incurred, or to allow a family member to attend school.
  4. Handicapped assistance expenses to pay for care attendants and/or auxiliary apparatus for handicapped and disabled family members, which enable a family member (including the handicapped member) to work. The amount allowable as a deduction is the amount that exceeds three percent of annual income and cannot exceed the amount earned (see definitions).

Where there are both medical and handicapped assistance expenses, the deduction would equal the total of both amounts, less three percent of annual income.

**I. DETERMINATION OF FAMILY’S UNIT SIZE**

The appropriate unit size for which the family is eligible must be listed on both the application for tenant eligibility and recertification, and the voucher.

**A. Program Occupancy Standards:** The unit size designated on these documents should be assigned in accordance with the following criteria.

1. The bedroom size assigned should not require more than two persons to occupy the same bedroom.
2. The bedroom size assigned should not require persons of opposite sex, other than the tenant and co-tenant, to occupy the same bedroom, with the exception of infants and very young children.
3. A two-bedroom unit may be used by a two-member family, which consists of a single parent and child, if the child is of the same sex, or by a couple who, due to medical reasons, must have separate bedrooms, as approved by the PHA.

These principles result in the following standards:

<u>Voucher Size</u>	<u>Minimum Number of Persons in Household</u>	<u>Maximum Number of Persons in Household</u>
0-BR	1	2
1-BR	1	3
2-BR	2	5
3-BR	4	7
4-BR	6	9
5-BR	8	11

**A. Occupancy Standards Flexibility:** The criteria and standards prescribed for the determination of an applicant’s unit size to be listed on its voucher should apply to the vast majority of families. In some cases, however, the relationship, age, sex, health or handicap of the family members may warrant the assignment of a different unit size than that which would result from strict application of the criteria. Such flexibility is permissible to the extent the determinations are made on the basis of such factors. Any allowable determinations of this type, however, should be fully documented in the applicant’s file.



For example, an elderly, handicapped or disabled person who requires a live-in attendant, or other accommodation, may be assigned a voucher to provide a larger-sized unit than normal occupancy standards would allow.

1. **Smaller-Sized Units:** The family may select a smaller-sized unit, provided there is at least one sleeping room of appropriate size for each two persons in the household. (For example, a three-bedroom voucher holder with five family members could select a two-bedroom unit if there would be two bedrooms for four of the family and a living/sleeping room for the fifth member.) The family would need to sign a statement saying that they have requested the smaller unit.
2. **Larger-Sized Units:** Families may choose a larger-sized unit, but would pay a greater portion of the rent.

**The unit size designated on the voucher must remain unchanged**, regardless of the actual unit size selected.

## **I. SELECTION OF FAMILIES FOR ISSUANCE OF VOUCHERS**

Families who are eligible will be selected from a centralized waiting list, as set forth below.

- A. A preference will be given to any family displaced by redevelopment action on the part of a city or the county.
- B. 400 “slots” will be available for families referred by the Tulare County Health and Human Services Department and the Private Industry Council for the Welfare-To-Work program. These are non-renewable slots and once leased up, will revert to normal waiting list procedures. Families referred for these slots must meet and maintain eligibility criteria established by the referring agencies.
- C. 39 slots will be maintained on a renewable basis for families referred for the Aftercare Program. Only families with disabled family members, who are referred by approved referral agencies, will be eligible. Families referred for these slots must meet and maintain eligibility criteria established by the referring agencies.
- D. 20 Slots will be maintained on a renewable basis for families referred by the Tulare County Health and Human Services Department Child Protective Services for the Family Reunification Program. These families must be in danger of losing their children, or unable to regain custody of their children because they do not have adequate housing in order to be eligible
- E. Families or individuals choosing to lease units in the Sequoia Dawn Senior complex in Springville will be given preference.

- F.** A local preference will be extended to families who are residents of Tulare County. Applicants who are working in Tulare County, who have been notified that they are hired to work in Tulare County, and full-time students of a Tulare County school, who cannot get a similar education in their own county, shall be considered as residents. Use of this preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- G.** Veteran's preference, as required by California state law, will be taken into consideration.
- H.** In the event of two or more eligible applicants for the same unit size with identical preference and priority status, the date and time sequence of applications will govern selection, with the applicant who filed the earliest being offered the first available allocation of appropriate size.
- I.** Families and single persons who are elderly, disabled, handicapped or displaced, or over 55 years of age will be housed prior to single persons who do not qualify for one of these categories.
- J.** No discrimination because of race, color, creed, religion, sex, age, handicap, familial status or national origin. The foregoing preferences and priorities will be followed without regard to race, color, religion, sex, handicap, familial status or national origin.
- K.** The Housing Authority will make any reasonable accommodations in rules, practices or services, when such accommodations are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.
- L.** Available vouchers will be issued to families in the following order:

  - 1.** Absorbing families porting in from other jurisdictions.
  - 2.** Other waiting-list families in order of preference.
  - 3.** During each Housing Authority fiscal year, at least 75% of families admitted must be extremely low-income (incomes not exceeding 30% of area median – see definition). This does not apply to families housed with vouchers awarded when an owner opts out of a project-based HUD contract.

## I. ISSUANCE OF VOUCHERS (SECTION 882.209 OF THE REGULATIONS)

Objectives:

It is the policy of this Housing Authority to attempt to expand housing opportunities and avoid concentrations of the most economically and socially deprived families, and to encourage families to move to areas of low poverty or ethnic concentration. In order to achieve these goals, studies will be conducted to determine census tracts that contain low-poverty and low minority levels. Low poverty will be considered any census tract that has a population of which 35% or less are under the poverty level. Low minority will be considered any census tract that has a population, or which under 55%, are minorities. In order to encourage families on the Section 8 program to move to those areas, the agency hereby adopts the following policy:

1. The agency will conduct outreach to landlords of units in areas of low poverty to encourage them to rent units to tenants under the Section 8 program.
  2. The agency will encourage families during the briefing to move to areas of low poverty by providing maps to show those areas and providing a list of landlords with units in those areas who accept Section 8. They will be told of the advantages of moving to areas with more jobs, better schools, and greater opportunities for their families.
  3. The families will be informed of the option for portability to areas with low poverty or better job opportunities.
- A. When allocations become available, the next family on the waiting list will be contacted to provide any necessary verifications. Following the verification process, the family will be scheduled for a briefing.

The PHA will maintain a system to assure that it will be able to honor all outstanding vouchers within its Annual Contributions Contract (ACC) authorization, and that it will comply, to the maximum extent feasible, with the unit distribution in the said contract.

- B. Preparation and Contents of Vouchers:** These are the sole documents, which authorize a family to look for an eligible rental unit for the program. The voucher specifies the appropriate unit size necessary to meet the family's needs and the maximum rent for a unit the family may choose. The voucher also sets forth a number of requirements regarding both family and PHA responsibilities that apply, not only while the voucher is in effect, but also after a HAP contract is executed on behalf of a family. Before the voucher is given to the family, their completed application for eligibility or recertification should be carefully gone over with the family with an explanation of how the TTP has been determined. If the family's income has changed, or if the verification forms are more than 60days old, new or updated verifications are necessary. This may require the PHA to delay the issuance and briefing.

After the briefing, the PHA must be certain to retain a copy of the voucher for the family's file.

**1. Family Responsibilities:**

- a. Finding a housing unit that meets all program requirements.
- b. Submitting a request for lease approval.
- c. Paying the rent to the owner.
- d. Abiding by the family obligations for program participants, as outlined in Section IIIA5.

**1. PHA Responsibilities:**

- a. Inspecting the family's dwelling unit.
- b. Notifying the family and owner whether or not the lease for the unit selected is approved, or providing a list of necessary repairs.
- c. Making housing assistance payments to the owner on behalf of the family, pursuant to a HAP contract in effect.
- d. Providing fair housing complaint forms (Form HUD-903), if requested by the family, and other services and assistance as may be required.
- e. Providing a list of known Section 8 landlords to voucher holders, and providing assistance to disabled families who are having difficulty locating a unit, when asked.

- 3. Term of the Voucher:** The term is for a 60-day period, within which the family must submit a request for lease approval, if it is to utilize the allocation. The PHA may extend the term to a maximum 60-day additional period. The maximum term will not include the time from which the family has submitted a valid Request for Lease Approval to the time when the Housing Authority disapproves the unit. Disabled families may request an extended period as a reasonable accommodation. Such extensions would have to be approved by HUD.

**A. Briefing Sessions:**

- 1. Briefing Sessions:** When a family receives a voucher, the PHA must conduct a briefing session to provide the family with an explanation of program requirements and the briefing packet. This contains information to assist the family in finding a suitable unit and an explanation of family and owner responsibilities. It is important that the briefing session be organized to give families the opportunity to ask questions, discuss the information provided, and clearly understand their rights, duties and obligations as assisted families.

**Briefing Methods:** The PHA may choose to brief families individually or in group sessions.

- 2. Briefing Session Information to be Disseminated:** The regulations govern the kind of information and specific items that must be given to families in the briefing session. These are:

- a.** The maximum rent allowable if the family is moving to another unit
- b.** Family and owner responsibilities under the lease and contract.
- a.** How to find a suitable unit.
- b.** The general locations and characteristics of the full range of neighborhoods in which the PHA is able to execute contracts. This should include areas where housing of suitable price and housing quality may be found, especially non-impacted areas.
- c.** Applicable housing quality standards.
- d.** Significant aspects of federal, state and local fair housing laws.
- e.** Applicable payment standards, how the TTP is determined, how housing assistance payments are determined, and the rent reasonableness test.
- f.** Informing the families that copies of the Housing Quality Standards (HQS), HAP contract and other pertinent documents and forms are available to them upon request.
- g.** Informing the families of housing opportunities within the area.
- h.** Informing the families of available affirmative placement activities for individuals experiencing problems.

- i. Actively encouraging families to consider their allocation as a means of finding housing in any non-impacted area, and explaining the benefits of such a move.
  - j. Informing families as to their responsibilities as a tenant to their landlord and to the PHA.
  - k. An explanation of portability.
3. **The Briefing Packet:** At the same time the PHA issues a voucher, it must give the family a briefing packet containing the required information listed below.
- a. Information on the TTP, the bedroom size and the applicable payment standard appropriate for the family size. The PHA must explain to the families all of the factors that could affect their rent.
  - b. PHA's schedule of allowances for tenant-furnished utilities and other services. The PHA must make available to families information on the amount of the allowance given for utilities and other services (when not included in the rent) appropriate to the bedroom size of their unit.
  - c. Housing Quality Standards (HQS) used by the PHA. What the family should look for when leasing a unit.
  - d. Information regarding lead-based paint poisoning hazards, symptoms and precautions. Form HUD-52591 tells the family about the dangers of lead-based paint poisoning, how to prevent it, how to tell when a child may be suffering from it, and how to provide treatment for the child.
  - e. Equal Opportunity Complaint Form (Form HUD-903) or the Spanish version thereof (Form HUD-169-EO(2)). This brochure explains the 1968 Fair Housing Law and the remedies available to families who believe they have been discriminated against.
  - f. Request for Lease Approval (Form HUD-52517-A).
  - g. Prohibited Lease Provisions.
  - h. A model lease agreement.
  - i. Hearing procedures for both participants and applicants.

- j. “Fair Housing USA,” a brochure on fair housing rights.
- k. The term of the voucher and Housing Authority policy on extensions.
- l. Where the family may lease a unit, including portability.
- m. A map showing non-impacted areas showing schools and possible job locations.
- n. The Housing Authority policy on release of information to landlords.
- o. A list of landlords known to take the Section 8 program.
- p. Family obligations under the program and grounds for termination of assistance.
- q. A sign-off form giving prospective landlords tenant information on address and current landlords. Prospective landlords will be given information regarding money owed to the Housing Authority or prior damage, if they request it.

**A. Voucher Extensions, Expirations and Reissuances:**

- 1. **Voucher Extensions:** If a family is unable to find an acceptable unit within the specified 60-day term, the PHA may, upon the family’s request, extend the deadline for up to 60 additional days in one or more phases. The PHA should consider the following items in making such determinations:
  - a. The degree to which the family has made an effort to locate acceptable units by contacting landlords, real estate companies, etc.
  - b. The support services requested and provided.
  - c. Extenuating circumstances, such as hospitalization, family emergencies, etc., which affected the family’s ability to locate an acceptable unit during the first 60-day period, but are not expected to affect their search during the additional period, if granted.
  - d. Whether the family’s size or need for barrier-free housing has affected their success in finding an acceptable house within the initial 60 days, but that a reasonable chance for success would exist if the family was afforded additional time.



- e. Whether the family has submitted any previous request for lease approval, which although not approvable, has demonstrated their efforts to locate a unit.

1. If the voucher expires at the end of the initial 60-day term without an extension, or if it expires after any additional term requested and approved by the PHA, the family may reapply for the program, if they so desire. They would then be placed back on the waiting list according to the date and time of their reapplication and any other relevant factors. The PHA may not determine the family to be ineligible for the program on the grounds that the family was not able to utilize a previously issued voucher. Any expired vouchers should be reissued to next eligible applicants on the waiting list as soon as possible.
3. The time period from when a family submits the paperwork for inspection until the unit passes inspection, or the owner refuses to make repairs, will not be counted toward the family's 120-day maximum time limit. This is known as "suspension." Disabled families may request, with good cause, reasonable accommodation regarding time limits.
4. Extensions past the 120 day maximum will only be granted in extremely rare circumstances, and only after requested by the family, with verification of the circumstances which would necessitate such extreme measures. Authorizations for such extensions can only be made by the Executive Director, the Assistant Executive Director, the Administrative Analyst, and the Occupancy Program Specialist.

## **IX. LEASE APPROVAL PROCESS**

When the family finds a unit that is suitable for its needs, it must submit to the PHA a completed Request for Lease Approval, signed by both parties, along with a copy of the lease agreement. The PHA will review the request to determine if the owner is eligible to participate in the program, if the unit is eligible, and if the lease is complete. The information provided by the owner and tenant on the form is also used as part of the basis for determining rent reasonableness and to schedule the unit inspection. The request for lease approval must be submitted while the family's voucher is effective. If the voucher has expired, the PHA may extend it if it determines that the extension is warranted, that such an extension is possible within time limitations, and it has sufficient available allocation.

### **A. Determination of Owner Eligibility:**

1. No present or former member or officer of the PHA (except tenant commissioner), no employee of the PHA who formulates policy or influences decisions with respect to the programs, no tenant who is a candidate for employment with the PHA in a policy or decision-making position, and no public official or member of a governing body or state legislature who exercises functions or responsibilities with respect to the Section 8 program, or any member of Congress of the United States during his/her tenure or for one year thereafter, shall have any direct or indirect interest in this contract or in any proceeds or benefits arising from it.

2. The Housing Authority may not approve a lease if the parent, child, grandparent, grandchild, sister or brother of any family member owns the unit, unless requested to do so as a reasonable accommodation for a verified disability.

Owners do not have the right to participate in the Section 8 program. Owners may be barred if:

1. The owner has violated obligations under a Housing Assistance Payments (HAP) contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
2. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
3. The owner has engaged in drug trafficking.
4. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.
5. The owner has a history or practice of renting units that fail to meet state or local housing codes.
6. The owner has not paid state or local real estate taxes, fines or assessments.

**B. Determination of Unit Eligibility:** Unit eligibility is determined by three criteria. First, the gross rent for the unit must be reasonable and must not exceed the applicable rent limitations for voucher holders who are moving to another unit. Secondly, the unit must meet the program's housing quality standards (HQS). Thirdly, the rental of the unit under the program must not violate the regulations if the unit is located in a project that receives federal, state or local subsidy.

1. **Determinations of Rent Reasonableness for Vouchers and Acceptability Within Rent Limitations for Voucher Holders who are moving:** The following points are emphasized:

- a. **Gross Rent Computations:** In order to determine the unit's gross rent, the rental rate requested by the owner (contract rent) must be added to the applicable allowance for the utilities and services that will be tenant-supplied (i.e., not supplied by the owner or included in the contract rent). The utility allowance must be computed by using the information in the Request for Lease Approval, which shows those utilities and services that are the tenant's responsibility. The dollar amount of the allowance to be provided

the tenant for each applicable item is shown on the PHA's schedule of allowances for tenant-furnished utilities. This is shown by bedroom size, structure type and fuel type. The total dollar amount of all applicable allowances is added to the contract rent, which equals the unit's gross rent. (The utility allowance amount must relate to the actual size of the unit selected, regardless of the unit size listed on the certificate or voucher, and will also be used to determine the family's share of the rent if the unit is approved.) If requested as a reasonable accommodation for verified disability, the Housing Authority will approve a special utility allowance.

**b. Payment Standards:**

The Housing Authority will revise the payment standards, as necessary, to prevent the tenant's share of rent from being a burden, or if FMRs are decreased. The following factors will be evaluated when payment standard revisions are being considered:

1. Participant rent burden, including burden to quality of housing.
2. Local vacancy rates by bedroom size.
3. Success of voucher holders in finding eligible housing.
4. Actual contract rent increases by bedroom size.

Payment standard adjustments may be limited to certain bedroom sizes, and will apply to participating families when they move, or at their next regular re-examination, whichever comes first. At that time, the payment standard will be the current payment standard if the family moves or changes family composition. If not, the payment standard will be the higher of:

1. The payment standard when they moved into the unit, unless the owner lowers the rent; or
2. The current payment standard.

The payment standard for a subsidized project may not exceed the basic rental charge.

- a. **Rent Reasonableness:** Once the contract and gross rents have been determined, the PHA must determine whether or not the rental rate is reasonable. The PHA must certify and document that the contract rent is reasonable in relation to rents currently being charged for comparable units in the private, unassisted market, and that the contract rent is not in excess of rents currently being charged by the owner for comparable unassisted units.

In order to satisfy these requirements, the Housing Authority inspectors will survey the rental market to maintain a working knowledge of unassisted rents at all times. They will make the determination if a requested rent is comparable to at least two unassisted units, taking into consideration the location, unit type, age and amenities, to be sure there is a valid comparison. If they determine that a rent is not reasonable, they will indicate what the appropriate rent should be.

- b. Rent reasonableness will be determined before any rent increase, if there is a five-percent decrease in the published FMR published 60 days before the contract anniversary, if directed by HUD, or at any other time at the discretion of the Housing Authority.

**1. Housing Quality Standard Determinations:**

- a. **Initial Inspection:** Before approving a lease, the Housing Authority shall inspect the unit for compliance with housing quality standards. If there are defects or deficiencies that must be corrected in order for the unit to be decent, safe and sanitary, the owner shall be advised by the Housing Authority of the work required to be done. Before a contract is executed, the unit must be reinspected to ascertain that the work has been done.
- b. **Periodic Inspection:** In addition to the initial inspection, the Housing Authority will inspect each unit at least annually, and at such other times as may be necessary, to be assured that the owner is meeting the obligation to maintain the unit in a decent, safe and sanitary condition, and to provide the agreed-upon utilities and other services.

The Housing Authority will take into account complaints and any other information coming to its attention in scheduling inspections. All complaints by families concerning compliance by the owner with the housing quality standards shall be retained in the Housing Authority's files for three years.

**1. Determination Necessary for Leasing of Units in Federally Subsidized Rental Projects:** If a voucher holder selects a unit in a project under any of the following programs, certain determinations must be made by the PHA before any lease approval can be granted:

- a. Section 221(d)(3) Below Market Interest Rate (BMIR) and Market Interest Rate (MIR) – HUD program.
- b. Section 236 (insured or non-insured) – HUD program.
- c. Section 202 – HUD program.
- d. Section 515 interest credit – Rural Development program.

If the unit selected by a participant is located in any of these types of projects, the PHA must determine whether the project already has 40%, or more, of its units covered by one or more of the following programs:

- (1) Section 8 Housing Assistance.
  - (2) Section 23 Rental Assistance.
  - (3) Rent Supplement Assistance.
  - (4) Section 236 “Deep Subsidy” Rental Assistance.
  - (5) State or local subsidy programs (other than property tax exemption or abatement).
- a. If the voucher holder’s leasing of the unit under the program would result in the project exceeding the 40% limitation, the request for lease approval must be disapproved. The PHA may, however, request HUD to approve an exception to the 40% limitation for the purpose of relieving the hardship of a particular family or families. Such a request should provide information which shows that the waiver is necessary because either:
- (1) There is not a sufficient supply of alternate decent, safe and sanitary housing available in the community for eligible families; or
  - (2) The family is already a resident of the project, and their situation is such that moving would create a hardship for them.

Such waiver requests should be submitted to the HUD field office for a determination.

- (f) The voucher payment standard for such units must be the basic rent amount.

**1. Notification of Lease Approval or Disapproval:**

- a. **Approval:** If the PHA determines that all applicable program requirements have been met with respect to the Request for Lease Approval, as discussed in Paragraph IX above, the PHA notifies the owner and the family, computes the share of the contract rent payable by the family, and completes the HAP contract.
- b. **Disapproval:** If the PHA determines that the lease cannot be approved for any reason, including the condition of the unit, the PHA notifies the owner and family:
  - (1) Of the reasons the lease or proposed dwelling unit was disapproved.
  - (2) That if the conditions requiring disapproval are corrected by the owner, the owner or the tenant must notify the PHA.
  - (3) If the disapproval was due to the condition of the unit, the tenant or the owner must schedule a reinspection.

The PHA may approve the unit if the conditions have been corrected satisfactorily within the given time constraints.

**I. COMPUTATION OF RENT, EXECUTION OF LEASE AND HAP CONTRACT**

Once a Request for Lease Approval has been approved, the PHA must prepare the Housing Assistance Payments (HAP) contract for execution by the owner and the PHA. In order to complete the documents, the PHA must make the following computations:

- A. Adjusted income is calculated by taking the family’s annual income and making any or all of the following deductions for which it is eligible:
  - 1. A \$480 deduction for each dependent, i.e., each family member (other than the head, spouse or foster children) who is either under 18 years of age, is a full-time student of any age, or if over 18 years of age and disabled or handicapped.
  - 2. The annual amount of verified medical expenses that exceed three percent of the family’s annual income, for families who qualify as “elderly families.”





3. The total amount of verified annual babysitting expenses to the extent the amount allowed does not exceed the income received by the applicant from employment for which these expenses are incurred, or babysitting to allow a family member to attend school.
  4. Handicapped assistance expenses to pay for care attendants and/or auxiliary apparatus for handicapped and disabled family members, which enable a family member (including the handicapped member) to work. The amount allowable as a deduction is the amount that exceeds three percent of annual income and cannot exceed the amount earned (see definition).
  5. A \$400 deduction per family who qualifies as an “elderly” family (see definition).
- A. The total tenant payment shall be the higher of the following, rounded to the nearest dollar:
1. Thirty percent of monthly-adjusted income.
  2. Ten percent of monthly gross income.
- A. The total tenant payment shall be the higher of the following, rounded to the nearest dollar:
1. Thirty percent of monthly-adjusted income.
  2. Ten percent of monthly gross income.
  3. The welfare rent as defined in Section 813.107 of the regulations.
  4. A prorated amount based upon the number of citizens and eligible alien family members versus non-eligible family member.
  5. The agency has established a minimum TTP of \$50, as allowed by HUD.
    - (1) Families paying a minimum TTP will be informed that there is a hardship exception available to those who are unable to pay their rent.
    - (2) a family requests exception, the minimum rent must be immediately suspended. If no hardship is verified, minimum rent will be reinstated retroactively. If there is a hardship, but it is only temporary, the family will still owe the minimum rent retroactively and would be offered a repayment agreement for the difference in rent amount during the suspension. If a long-term hardship exists, the minimum rent rule is suspended indefinitely until the hardship stops.

The total tenant payment shall not be increased by more than ten percent during any 12-month period as a result of redefinition or changes in government regulations. However, total tenant payment may be increased by more than ten percent during any 12-month period to the extent that the increase is solely attributable to increases in income.

A family's assistance is based on the applicable payment standard for the unit size they are eligible for or the actual size of unit chosen (whichever is smaller), minus the family's TTP. The family's rent may not be less than the TTP minus the applicable utility allowance, and families receiving assistance for the first time, or moving to a different unit may not pay a rent of more than 40% of their TTP. Families staying in the same unit may choose to pay more than 40% of their income towards the rent.

A "mixed family" with some members who are citizens or eligible aliens and some who are not, will have their assistance prorated based upon their TTP and the gross rent for the unit, in accordance with HUD regulations.

- A. Security deposits collected prior to the owner and tenant signing the Request for Lease Approval may remain at the amount collected. However, the owner may want to adjust the deposit amount if it is less than the family's TTP. The maximum an owner can collect after signing the request is an amount equal to one month's "contract" rent.
- B. Execution of the Housing Assistance Payments Contract and Lease:** Once all items with respect to the HAP contract and lease have been approved and appropriately completed by the PHA, the PHA must arrange for the HAP contract to be signed by the owner and for the lease to be executed by the owner and tenant. The PHA then signs the HAP contract and returns a signed copy to the owner and the tenant and keeps a copy for the tenant file. All contracts must be executed within 60 days of the effective date.

## **I. RE-EXAMINATION AND REDETERMINATION OF TENANT ELIGIBILITY AND RENT ADJUSTMENTS**

- A. As required by law, the Housing Authority will annually re-examine the status of each tenant family relating to eligibility for continued occupancy, the rent charged and the size of the unit required.
  - 1. The Housing Authority will require an application for continued occupancy from each family, signed by the head of the family or the co-tenant, which will provide current family composition, income, asset and deduction information.

2. Rents will be reviewed at the time of the annual re-examination and be changed as necessary. No decrease or increase in rent will be made until all the facts have been verified. Increases will only be considered if the landlord submits a written request 60 days prior to the anniversary date. The same procedures used for determining the family's share of the contract rent for the initial HAP contract are also applicable for re-examination.

Since re-examinations are coordinated with HAP contract anniversary or termination dates (except for the Moderate Rehabilitation program), any PHA-approved changes in the contract rent must be made, along with any utility allowance changes that may be effective, to arrive at the new gross rent and subsequent determinations of housing assistance payment levels. Contract rent adjustments will be subject to rent reasonableness determinations. Annual adjustments are negotiated between the tenant and the landlord; they are not subject to annual adjustment factors.

3. **Notification of Re-Examination Results:** Once the re-examination process has been completed, the family must be notified whether or not it continues to be eligible for assistance (as determined by Section 882.212 of the regulations, which states that a family's eligibility for housing assistance payments continues until the family's share of the rent equals or exceeds the applicable contract rent for the unit it occupies.)

- a. **Families Determined Ineligible:** If a family has been determined ineligible for continued assistance, the family must be notified in writing with a statement of the reasons and offered the opportunity to request an informal hearing. In addition, because the HAP contract is expiring at the time of the re-examination, it cannot be renewed, and the family and owner must both be informed in writing of the termination date. If the family desires to continue in occupancy, the owner and family must make their own separate leasing arrangements.

In cases at re-examination or redetermination where the family's TTP is such that there would be no assistance payment, the family and the landlord will be notified that assistance will be terminated. The family will also be informed that, should their income drop within six months, they will be eligible to come back in to start receiving assistance again.

Cases where the family was receiving assistance as of June 19, 1995, and the head and/or spouse are not citizens or eligible aliens, the family may be eligible for prorated assistance. If they are not eligible for prorated assistance, or do not choose to have their assistance prorated, they will be eligible to have termination of assistance deferred for a maximum of eighteen months. Deferral will be reconsidered in six-month intervals.

If the unit becomes substandard due to action or inaction of the family, the family would be ineligible for continued assistance. If the H.A. cannot definitively determine that the problem is caused by the family, the H.A. will assume that the fault is with the landlord, and will issue a new voucher to the family.

**b. Families Determined Eligible:**

- (1) If, upon re-examination, it is found that the size or composition of a family or household has changed so that the unit occupied by the family contains a number of rooms less or greater than necessary to provide decent, safe and sanitary accommodations, as described in the occupancy standards, the family will be recertified to move.

In such cases, the Housing Authority will recertify the family to move 60 days prior to the anniversary date, or as soon as income verification is complete. The family may then move with assistance as soon as their new unit passes inspection.

- (2) If a family requests to move, agrees to move at the owner's request, is required to move as above, or their current unit does not pass inspection, they will be given a voucher to move either 60 days prior to the end of their current contract, or as soon as their income verification is complete, whichever comes last. These families will be required to attend a briefing.

The Housing Authority will pay subsidies on behalf of the participant for two units for up to one week.

- (3) If the tenant and landlord wish to renew the current contract and the unit passes inspection, they will both sign an amendment to the contract, showing the new amounts and the effective date of the changes. The family will be given at least 30 days' notice of any rent increase.
- (4) "Mixed families" who were receiving assistance as of June 19, 1995, where the head and/or spouse are not citizens or eligible aliens, may choose to have their rental assistance prorated, based upon the TTP and the gross rent, according to HUD regulations, or may defer termination for a maximum of three years.

- (5) **Other Eligibility Factors:** The regulations state that the family may be determined ineligible for a desired move with continued assistance if the family owes money for unpaid rent or for other responsibilities under the lease with their owner, including amounts for damages to the units, which may be in excess of the family's security deposit. It is recognized, however, that the owner's determinations on damage generally may not be known until sometime after the unit is actually vacated (depending upon the amount of time allowed owners by applicable state and local law). In addition, there may be disputes between the owner and tenant on the legitimacy of the charges assessed, which may have to be settled in court.

Therefore, the PHA will allow the family to receive another voucher for purposes of moving to a new unit with continued assistance. If the family does, in fact, end up liable for damages to its former unit, the HA will require that the family sign a promissory note to pay any such liability prior to their next re-examination determination for continued eligibility. Such a procedure has the advantage of avoiding any early termination of the new owner's contract and will also provide the family with time to repay any funds it may owe.

- (6) **Necessary Changes to Internal PHA Records and Control Systems:** Since most re-examination procedures result in changes in the amount of housing assistance payments to be made on behalf of eligible families, the PHA must be certain it makes the appropriate changes in the records used to disburse HAP checks to owners and any other records it may use as a cross-check for these payments.

**c. Families Who Owe Money to the PHA:**

- (1) **Repayment Agreement When Assisted Family Moves:** Prior to issuance of a new voucher of family participation, the family must sign an agreement to repay the Housing Authority any amounts owed to the Housing Authority, by virtue of a claim paid by the Housing Authority to an owner for unpaid rent, damages or vacancy payments, or money owed to the Housing Authority for retroactive rent.

Families will normally be required to repay amounts owed within a 12-month period at no interest. In special hardship cases, with prior approval by executive staff, a 24-month repayment schedule may be authorized.

- (2) Assistance for families who have signed a repayment agreement previously with the PHA who are behind in their payments will be terminated at the end of their current contract, unless the payments are brought current.
- (3) The Housing Authority will not process portability requests from residents who are paying on a promissory note. At such time as the note is paid in full, they will be allowed to move to another jurisdiction.
- (4) If the Housing Authority terminates assistance or denies issuance of a new voucher to a participant, the participant will be informed of their right to request a hearing.

**A. Interim Redeterminations:** Any interim redeterminations of the family’s TTP, whether requested by the family or required by the PHA, must follow the verification procedures and TTP calculations, using the application for tenant eligibility and recertification, for the interim redetermination. The figures used for the contract rent, gross rent and the utility allowance do not change. Failure of an assisted family to cooperate in providing information necessary for PHA-required, interim redeterminations is grounds for termination of assistance.

- 1. Once rent is established, that rate remains in effect until the next annual re-examination, special re-examination or an interim rent adjustment for an unanticipated change in income or family composition. Any time any of the following circumstances occur, the file will be reviewed:
  - a. A decrease in family income, which would lower the rent.
  - b. A change in family composition.
  - c. A change in income source into the home.

Failure to report within ten (10) days the occurrence of the last two changes set forth above, will require a retroactive rent charge, when necessary.

- 1. Families reporting changes, as specified above, shall be given an interim redetermination, and if necessary after verification, their rent will be changed. In the event rent is decreased in accordance with this provision, the tenant must report all changes in family circumstances (such as an increase in income), which occur prior to the next regular re-examination.

Increases in rent resulting from rent reviews are effective the second month following the reported change.

Decreases in rent are effective the first of the month following the report of the change.

2. Interim redeterminations do not affect the family's required re-examination dates, no matter how often they may be performed during the HAP contract term.
3. **Necessary Changes to Internal PHA Records and Control Systems:** The PHA must be certain it makes the appropriate changes in the records used to disburse HAP checks to owners and any other records it may use as a cross-check for these payments.
  - A. If it has been determined that a tenant has misrepresented to management the facts upon which the rent is based so that the rent paid is less than should have been charged, then the increase in rent shall be made retroactive to the date the change should have been made. If management determines that the tenant has been subsidized through the tenant's willful misrepresentation of income, assets or family composition, management shall notify the tenant that rental assistance will be terminated, and that the tenant has the right to request a hearing (see "Terminations").
  - B. **Special Re-Examinations:** If at the time of admission, re-examination or redetermination, a family is clearly eligible, but it is not possible to make an estimate of family income for the next 12-month period with any degree of accuracy, a special redetermination should be scheduled. Prior to the time the special redetermination is scheduled, the family's rate of income (based upon the income expected to be received by the family from the date of the current determination to the date of the special redetermination) is to be projected for a 12-month period for rent purposes, even though it is known that income will not continue for that entire period.

Special redeterminations must be clearly set for a definite time, and controls established, to assure compliance. The special redetermination shall be scheduled for either 30, 60, 90 or 120 days, depending upon the staff member's estimate of time required for the family circumstances to stabilize.

If, at the time of such special redetermination, it is still not possible to make a reasonable estimate of family income, special redeterminations will continue to be scheduled and conducted until such time as a reasonable estimate of family income can be made for the next 12 months.
  - C. Families, who have a pattern of welfare, then work, then are unemployed, or any similar pattern, should not be given special redeterminations if such an income pattern is expected to continue. A reasonable 12 months' estimate of their income may be based upon past income patterns.

- D. To add another adult to the family, the family must get permission from the Housing Authority, following all the required verification procedures, and from the landlord. The Housing Authority has the right to deny the addition of another adult.
- E. On a case-by-case basis where a family unit dissolves, assistance will be awarded to the custodial parent, if there are minors. Otherwise, the assistance will be awarded to the family member(s) remaining in the unit, unless individual circumstances, including abuse, necessitate a different decision. If there is a dispute regarding who is entitled to remain in the unit, the assistance will be awarded as ordered by the court, and the Housing Authority will not decide between the claimants for the assistance.

#### I. MOBILITY OF ASSISTED FAMILIES WITHIN THE PHA'S JURISDICTION

- A. During the first year of the lease agreement, families wishing to move must obtain permission in writing from the landlord for an early termination date.
- B. **Income Review:** The family must comply with requests from the PHA for any updated income information and other such records the PHA may need since re-verification of the family's income is required.
- C. If the family has been determined eligible, the PHA must issue the family a new voucher. Although such families may be familiar with the operation of the program, they may still need much of the same information and services as provided first-time voucher holders, so attendance at a briefing is required.
- D. **Requirements Applicable to Families who are Required to Move due to Condition of Present Unit:** The PHA may find it necessary to terminate a HAP contract with an owner whose unit no longer meets the HQS due to the owner's lack of upkeep, and where the owner refuses to correct the deficiencies. Affected families must be issued a new voucher for use in locating a new unit, and the voucher should be issued in advance of the termination date, if at all possible. (The PHA may wish initially to abate one or more housing assistance payments prior to contract termination.) It is important that the PHA provide as much assistance as possible.
- E. If and when an acceptable unit is located that is available for occupancy by the family, and the lease with the current owner can be terminated in accordance with its terms, the HAP contract with the current owner must be terminated and housing assistance payments provided for the new unit.
- F. **Direct Assistance:** The PHA must provide assistance to families who allege that illegal discrimination is preventing them from finding suitable units. Other assistance may be provided at the discretion of the PHA.



- G.** If the family owes money to any Housing Authority and has not signed a promissory note, or they are not current on a note already signed, they will not be eligible for a new voucher.
- H. Ineligibility Notice Requirements:** If the family has been determined ineligible for a new certificate or voucher for use in relocating to a new unit, the family must be notified by the PHA in writing (required by Section 882.209(f) of the regulations), and be given an opportunity for an informal hearing.
- I.** Unless a move is required due to breach of HQS or a change in family size, families will only be allowed to move two times in any 12-month period.

**I. MOBILITY OF ASSISTED FAMILIES OUTSIDE THE PHA’S JURISDICTION**

Voucher holders may move to the jurisdiction of another PHA, provided they do not owe money to the Housing Authority and are in good standing. If they owe money, they will not be allowed a voucher to move to the jurisdiction of another PHA until that money is paid in full.

**II. EVICTIONS**

The contract and the assisted lease shall provide that the owner shall not terminate the tenancy, except for:

- A.** Serious or repeated violation of the terms and conditions of the lease.
- B.** Violations of federal, state or local law, which impose obligations on the tenant in connection with the occupancy or use of the dwelling unit and surrounding premises.
- C.** Other good cause, as provided in the lease, including but not limited to, the following:
  - 1.** Failure by the family to accept the offer of a new lease by the owner.
  - 2.** A family history of disturbances of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or property.
  - 3.** Criminal activity by family members, involving crimes of physical violence to persons or property.
  - 4.** Any drug-related, criminal activity on or near the premises.
  - 5.** The owner’s desire to utilize the unit for personal or family use, or for a purpose other than use as a residential rental unit.

- 6. A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit at a higher rent).
- A. The owner must give the PHA a copy of any eviction notices served to the tenant.
- B. Family Eligibility for Continued Assistance. Termination of Tenancy is not Automatic Termination of Assistance:**
  - 1. If the family is evicted, the regulations allow the PHA to determine the family ineligible for another voucher.
  - 2. If the family is determined to be ineligible for continued assistance at the time of termination of tenancy, the PHA is required to notify the family and to provide an informal hearing on the determination.

**I. TERMINATION OF HAP CONTRACTS**

In the following cases, the Housing Authority may terminate housing assistance payments that are being made on behalf of the participant under an outstanding contract.

- A. Automatic HAP Contract Terminations:** The HAP contract automatically terminates at the time:
  - 1. The owner terminates the lease.
  - 2. The tenant terminates the lease.
  - 3. The owner and the tenant agree to terminate the lease.
  - 4. The Housing Authority terminates the HAP contract.
  - 5. The Housing Authority terminates assistance for the family.
  - 6. There have been at least six months since the last HAP payment was made.
  - 7. The owner does not wish to enter into a new HAP contract, nor wishes to extend the current one, and the family accepts a voucher to move.
- A. PHA-Initiated HAP Contract Terminations:** Under the following circumstances, the PHA may find it necessary to terminate the HAP contract prior to its regular termination date.

1. If the participant has violated any family obligation under the Section 8 Existing Housing Program, as stated in Section VIII, B-1(a-h). Such situations could include instances where the action or inaction of the family causes the unit to become uninhabitable, unsafe, or substandard. If the H.A. cannot definitively determine that it is the tenant's fault, then the H. A. will assume that the responsibility is the landlord's. In such instances, the family would not be eligible for continued assistance.
2. If the participant has breached an agreement for repayment of monies owed to the Housing Authority.
3. If a Welfare-To-Work family (WTW) fails to fulfill its obligations under the Welfare-To-Work voucher program.
4. If the Housing Authority has reason to believe that a family may have committed fraud, the Housing Authority will take action to determine whether or not there has been program abuse. If a determination of fraud has been made in connection with any federal housing assistance program, the contract may be terminated.

Once the Housing Authority determines to terminate assistance due to fraud, the Housing Authority will provide both the family and the owner with a 30-day notice of termination of the HAP contract. The Housing Authority may require repayment by the family of excess housing assistance payments made on their behalf by the Housing Authority.

5. If the owner fails to maintain a dwelling unit in a decent, safe and sanitary condition, the Housing Authority may exercise any of its rights and remedies under the contract, including termination of housing assistance payments (even if the family continues in occupancy) and termination of the contract.
  6. If the family has been absent from their unit for over 180 days.
- A. If the Housing Authority determines to terminate the contract, and the family is eligible to move to another dwelling unit with assistance under the Housing Authority's Section 8 program, the Housing Authority will issue another voucher to the family.

## **I. SECURITY DEPOSIT DISPOSITIONS AND CLAIMS**

### **A. Security Deposit:**

1. The maximum deposit the owner may collect will be the one-month “contract rent.” For units leased in place, deposits in excess of this amount do not have to be refunded until the family vacates the unit, subject to the lease terms.
2. If the contract for the unit began prior to November 1, 1995, when the family vacates, if the deposit is insufficient to reimburse the owner for the unpaid tenant rent and other amounts owed under the lease, the owner may claim reimbursement from the Housing Authority for an amount not to exceed the lesser of:
  - a. The amount owed the owner; or
  - b. Two months’ contract rent for certificates and one month’s rent for vouchers, minus in either case, the greater of the security deposit the owner actually collected or could have collected. No reimbursement may be claimed for unpaid rent for the period after the lease is terminated.
1. In order to be eligible to submit a claim for damages, an owner will be required to request a move-out inspection within five working days after the tenant vacates the unit, or the termination of the contract, whichever comes first.
2. Contracts that began prior to November 1, 1995 will be converted over to the Family Choice Housing Voucher Program no later than the second re-examination after October 1, 1999.
  - a. Owners will have the option to change over to a voucher contract at the first anniversary date on or after October 1, 1999, or later.
  - b. Owners converting over to a voucher contract may require that the family pay the difference between the security deposit actually paid and one month’s contract rent.
  - c. If the owner does not choose to change over to a voucher contract at the first re-examination on or after October 1, 1999, at the second re-examination on or after that date, they will have a choice. They will be able to either:
    - (1) Switch over to a voucher contract and raise the required security deposit; or
    - (2) Elect not to renew with the family, terminate the contract, have a move-out inspection, and submit any damage claim for which they might be entitled.

**A. Claims for Contracts Which Began Prior to November 1, 1995:**

1. Claims with complete documentation must be submitted by the owner to the Housing Authority no later than 60 days after the contract has terminated, unless there are extenuating circumstances approved by the PHA. In no case will a claim be accepted more than one year after the contract has canceled. The owner must also show proof that the family was properly notified, in accordance with state law, that the security deposit would not be refunded due to a balance owed to the owner by the family for unpaid rent or damages.
2. Owner must bill tenant for unpaid rent and damages and submit proof that the family has been billed and has not paid before submitting a claim to the PHA.
3. When submitting the claim to the PHA, the owner will be required to submit receipts for work completed and supplies purchased, as well as a complete itemization of all repairs and cleaning. The owner may be required to provide verification of the age of various items that have been replaced (e.g., carpet, appliances, drapes). Claims, which are not verified by receipts, will not be paid. The PHA will not pay for work that has only been estimated.
4. The Housing Authority will review the claim submitted by the owner, reviewing the items claimed against the inspections in file and the move-out inspection. After determining the total tenant liability for unpaid rent, cleaning and repairs, and any other charges, a claim form will be prepared and mailed to the owner to sign and return for payment. At the same time, an attempt will be made by the Housing Authority to inform the tenant of the claim and their responsibility for repayment, unless they dispute the claim. If there is no response or no dispute from the tenant within two weeks. The signed claim will be processed for payment.

If the tenant does dispute the claim, the claim will be held until the matter can be resolved in court.

**C. Vacancy Loss Payments:** For contracts, which began after November 1, 1995, the owner may keep the HAP payment for the month in which the family vacated the unit in violation of the lease.

1. If a contract began prior to November 1, 1995, and a family vacates its unit in violation of the lease, the owner shall receive the housing assistance payments due under the HAP contract for the period of the month that the unit is vacant. If the unit continues to remain vacant after the first month, the owner shall receive a housing assistance payment from the PHA in the amount of 80% of the contract rent for a vacancy period not exceeding one additional month, the expiration of the lease or

tenancy agreement, or the date the unit is re-rented, whichever comes first, except in the case of vouchers.

If the owner collects any of the family's share of the rent for the second month, the payment must be reduced to an amount, which when added to the payment, does not exceed 80% of the contract rent. The owner must reimburse the PHA for any excess collected from the family after the vacancy loss payment has been made. For vouchers, the vacancy period ends at the end of the month the tenant vacates the unit.

2. When the owner evicts an eligible family, the owner is eligible for vacancy loss payments, as discussed in Section A above, if the owner has legally evicted the tenant in accordance with the law and Section 8 regulations.
3. **Additional Related Requirements:** In addition to the criteria listed above, the owner must also comply with the following requirements in order to be entitled to any vacancy loss payments:
  - a. The owner must notify the PHA of the vacancy, or prospective vacancy, as soon as he/she has learned of it.
  - b. The owner must continue to take all feasible actions to fill the vacancy, including, but not limited to:
    - (1) Contacting applicants on his/her waiting list, if any.
    - (2) Requesting the PHA and other appropriate sources refer all eligible applicants.
    - (3) Advertising the availability of the unit.
    - (4) Not rejecting any eligible applicant, except for good cause acceptable to the PHA.
  - a. The owner will not be entitled to vacancy loss payments if the owner is entitled to payments from other sources for the vacancy period (e.g., payment for losses incurred for holding units vacant for relocatees, pursuant to Title I or the HCD Act, or security deposit reimbursement payments).
  - b. If the owner is seeking reimbursement from the PHA for vacancy loss, the PHA must review all the information and determine the amount, if any, to which the owner is entitled in accordance with the program requirements listed above. The applicable sections of the form must be completed by the

PHA, then signed by both the owner and the PHA. The appropriate payment to the owner will then be made, and copies of the form and all documentation will be kept in the tenant file.

## **I. REASONABLE ACCOMMODATION**

The Housing Authority will make the Section 8 program accessible to disabled applicants and tenants if it is financially feasible to do so.

Specifically, if necessary to accommodate a verified disability, the Housing Authority will:

- A.** Reinststate, if requested, an application the waiting list, if they have been purged, back to their original date and time.
- B.** Approve a special utility allowance.
- C.** Allow special types of Section 8 program tenancies, such as shared housing, group homes, mobile home pad rental, single-room occupancy, congregate housing or cooperative housing.
- D.** Allow a lease for a unit owned by a relative.
- E.** Submit any requests for a longer term than 120 days for a voucher to HUD for approval.

## **I. ASSISTANCE IN FAMILY/OWNER RELATIONS**

- A. Degree of PHA Involvement:** Except as noted in Section B below, the PHA has discretion in deciding upon the degree of its involvement in family/owner complaints. At a minimum, however, the PHA must be prepared to provide information about program requirements and contractual obligations of both parties. In many cases, PHA clarification of these items may be sufficient to resolve problems and prevent potential lease terminations, evictions and non-participation of specific owners. Although the disagreements between specific families and owners will vary considerably and each case will have to be handled individually, the PHA's role should always be that of emphasizing the fulfillment of program responsibilities and contractual obligations contained in the family's voucher, the lease between the family and the owner, and the PHA's HAP contract with the owner.
- B. Equal Opportunity Complaints:** If a disagreement between the owner and the family involves alleged discrimination on the part of the owner, the PHA must provide assistance to the family in accordance with Objective IV of its approved Equal Opportunity Housing Plan, which must include the following:
  - 1.** The PHA must inform the family of its rights under federal, state and local law, including the right to file a formal complaint under one or more of these laws.

- 2.** If the family wishes to file a complaint under Title VIII of the Civil Rights Act of 1968, the PHA must:
  - a.** Assist the family in completing Form HUD-903, “Discrimination Complaint” (Form HUD-903-A Spanish version); or
  - b.** Refer the family to local fair housing organization or HUD field office, where such assistance can be obtained.



- A. Assistance to Owners:** The regulations require that the owner must be responsible for the performance of ordinary and extraordinary maintenance. These responsibilities may include interior and exterior painting and maintenance to stairwells, common areas and exterior grounds. The PHA should remind the owner of their maintenance responsibilities at the time of initial inspection, at each annual inspection, and when assisted families complain to the PHA about the condition of the unit.
- B. Administrative Errors and Omissions:** It is crucial that the PHA establish and maintain a high degree of accuracy in administering its program. From time to time, minor administrative errors or omissions may be discovered, which require immediate PHA action. Administrative errors, omissions or mistakes made by PHA staff, owners or tenants may include:
- 1. PHA Errors and Omissions (Examples):**
    - a. Errors in calculations of assistance levels.
    - b. Inappropriate determinations of family eligibility.
    - c. Miscalculation of gross rents.
  - 1. Owner Errors and Omissions (Examples):**
    - a. Errors in calculations of claims for vacancy loss and damages; or
    - b. Not informing the PHA that the tenant has vacated the unit.
  - 1. Tenant Errors and Omissions (Examples):**
    - a. Omission of a particular asset or income because of lack of information.
    - b. Miscalculation of income.
    - c. Misinformation regarding family composition.
- A. Prevention:** One of the minimum requirements of the PHA is the establishment of adequate quality control systems. Also, the PHA must provide adequate training for new staff, as well as providing monitoring and evaluation of its other employees, and further training, as necessary. In addition, the PHA staff, through tenant and owner briefings and other oral and written communication, must ensure that tenants and owners are fully informed about program requirements.

**B. Cures:** If errors or omissions are discovered, the PHA must immediately correct the deficiency as follows:

**1.** For errors that affect the tenant's share of the contract rent, the correct payment (and subsequent calculation of the correct housing assistance payment to be provided the owner) must immediately be established by an amendment to the lease and HAP contract. In addition:

**a.** If the tenant's share of the rent had been incorrectly established too high, the PHA must also immediately refund the total amount due to the tenant and make up the difference from the housing assistance payment account or from administrative fees.

**b.** If the tenant's share of the rent had been incorrectly established too low, the PHA must not require repayment by the tenant if solely due to PHA employee errors, but should make up the difference from administrative fees or from the housing assistance payments account, if possible.

**c.** If the tenant's share of the rent was incorrectly established too low due to a tenant error or omission, the PHA may require repayment by the family within a reasonable period of time, and if not repaid, may terminate the assistance for the family.

**1.** For errors that affect the owner's housing assistance payment, the correct calculation of the housing assistance payment to be provided on behalf of the family must immediately be established, and an amendment to the lease and HAP contract must be executed. In addition:

**a.** If the owner's housing assistance payment had been incorrectly established too high, the PHA must make up the difference from the housing assistance payments account or from administrative fees and require repayment by the owner within a reasonable time in accordance with Section 2.4(b) of Part II of the HAP contract. (Note: This repayment can be implemented by offsetting the amount due against future housing assistance payments.)

**b.** If the owner's housing assistance payment had been incorrectly established too low, the PHA must make up the difference from the housing assistance payments account or from administrative fees.

**I. INFORMAL HEARING FOR DENIAL, REDUCTION OR TERMINATION OF ASSISTANCE**

**PHA Requests:** The regulations provide that if the PHA determines an applicant to be ineligible for a voucher, the PHA must notify the applicant in writing of the reasons for the ineligibility and the right of the applicant to request, within ten days, an informal hearing. After conducting such a hearing, if requested, the PHA must also notify the applicant of the decision in writing.

These informal hearings must also be followed before the PHA refuses to renew a voucher, and before it terminates or reduces housing assistance payments to participants under the program.

**A. Informal Review Procedures – Applicants:**

This section sets forth the procedures for an informal review accorded applicants who have been determined by the Housing Authority as ineligible to participate in the Section 8 Existing Housing Program.

- 1. Eligibility for an Informal Review:** Applicants are entitled to an informal review if they have been determined by the Housing Authority to be ineligible for participation based upon any of the grounds for denial listed below:
  - a. They are taken off the waiting list.
  - b. They are denied a voucher.
  - c. A contract for assistance for the family is not executed.
  
- 1. Notice to the Applicant:** The Housing Authority shall give an applicant prompt, written notice of a decision denying assistance to the applicant, including a decision denying placement on the Housing Authority waiting list, issuance of a voucher or participation in the program. This notice is to state that the applicant may request an informal review of the decision.
  
- 2. Request by the Applicant:** If the applicant requests an informal review, the request must be made in writing and must be within ten working days from the date of the notice.
  
- 3. Designation of Person to Conduct the Review:** The applicant review is to be conducted by any person, or persons, designated by the Housing Authority, other than a person who made or approved the decision under review or a subordinate of such person. The applicant shall be given an opportunity to present written or oral objections to the decision of the Housing Authority at the review. The applicant will be promptly notified in writing by the Housing Authority of the final decision after the informal review, including a brief statement of the reasons for the final decision.

- 4. Decisions Not Subject to Review Procedures:** Applicants cannot request an informal review for the following purposes:
- a.** To review discretionary, administrative determinations of the Housing Authority, or to consider general policy issues or class grievances.
  - b.** To review the Housing Authority's determination of the number of bedrooms entered on a voucher.
  - c.** To review the Housing Authority's determination that a unit located by a voucher holder does not meet housing quality standards.
  - d.** To review the Housing Authority's decision not to approve the lease for a unit.
  - e.** To review the Housing Authority's decision to disapprove a request by a voucher holder to extend the term of the voucher.
  - f.** To discuss restrictions on assistance to non-legal residents.

**A. Informal Hearings – Participants:**

This section sets forth the procedures for an informal hearing for Section 8 Existing Program participants.

- 1.** Informal hearings are accorded to participants in the following cases:
- a.** A determination of the amount of the total tenant payment or tenant rent (not including determination of the Housing Authority's schedule of utility allowances).
  - b.** A decision to deny or terminate assistance on behalf of the participant.
  - c.** A determination that a participant family is residing in a unit with a larger number of bedrooms than appropriate under the Housing Authority's occupancy standards.
  - d.** In the case of an assisted family who wants to move to another dwelling unit with continued participation in the Housing Authority's program, a determination of the number of bedrooms entered on the voucher under the standards established by the Housing Authority.
  - e.** Determination of appropriate utility allowance.

- f. Termination of assistance due to breach of lease or HQS by the family.
- g. Termination due to family absence from the subsidized unit.

1. Participants are not entitled to informal hearings to:

- a. Review discretionary, administrative determinations by the Housing Authority.
- b. Consider general policy issues or class grievances.
- c. Review the Housing Authority's determination that a unit does not comply with the Housing Authority's HQS; that the owner has failed to maintain a unit in a decent, safe and sanitary housing condition; or that the unit is not decent, safe and sanitary because of an increase in family size or change in family composition.
- d. Review a decision by the Housing Authority to exercise any remedy against the owner under an outstanding contract (including termination of housing assistance payments to the owner).
- e. Review the Housing Authority's decision not to approve a family's request for an extension of the term of the voucher issued to an assisted family who wants to move to another dwelling unit with continued participation in the Section 8 program.
- f. To discuss requirements for a larger unit due to change in family size or composition.
- g. To discuss the Housing Authority establishment of utility allowances.
- h. To discuss Housing Authority failure to approve a proposed lease.

1. **Notice to Participant:** A notice from the Housing Authority to the participant, which adversely affects the family in cases outlined in B.1(a-d) above, will contain a brief statement of the reasons for the decision. It will state that if the participant does not agree with the decision, they may request an informal hearing, and shall state the time within ten working days from the date of the notice by which the request for the hearing must be made. The participant will be advised that all requests must be made in writing.

Hearings requested for termination or denial of assistance must be held prior to that termination. Hearings for other reasons are not required to be held prior to the effective date of those decisions.

**A. All Hearings:**

The designated PHA hearing officer will conduct hearings. Participants may, at their own expense, be represented. The hearing officer will regulate the conduct of the hearing, with both the PHA and participant given the opportunity to present evidence and question any witnesses. Evidence may be considered without regard to admissibility under rules for judicial proceedings. The family has the right to examine Housing Authority documents that are relevant to the hearing, and may copy these documents at their expense. Documents not available to the family may not be used in the hearing.

The Housing Authority will also have the right to examine, and copy at its expense, any family documents that will be presented at the hearing. Any documents not available to the Housing Authority before the hearing may not be presented.

**I. SPECIAL PROGRAM TYPES**

At the discretion of the PHA (except as requested as reasonable accommodation for a disability), the Housing Authority may choose to offer the following types of housing options:

- A.** Single-room occupancy (SROs)
- B.** Congregate housing.
- C.** Group homes.
- D.** Shared housing.
- E.** Cooperatives.
- F.** Mobile home pad rental.

Such housing options will be in accordance with HUD regulations. If requested as a reasonable accommodation, the Housing Authority must allow the requested housing type.

**I. USE OF OPERATING RESERVES**

- A.** The Housing Authority must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for a Housing Authority fiscal year. If funds in the administrative fee reserve are not needed to cover Housing Authority administrative expenses (to the end of the last expiring funding increment under the consolidated ACC), the Housing Authority may use these funds for other housing purposes permitted by state and local law. However, HUD may prohibit use of the funds for certain purposes.

- B.** The Housing Authority Board of Commissioners must approve such expenditures.
- C.** If the Housing Authority has not adequately administered any Section 8 program, HUD may prohibit use of funds in the administrative fee reserve, and may direct the Housing Authority to use funds in the reserve to improve administration of the program or to reimburse ineligible expenses.



## **FAMILY SELF-SUFFICIENCY PROGRAM**

The Housing Authority currently administers a Family Self-Sufficiency Program, with families currently enrolled under 5 year contracts to achieve Self-Sufficiency and accrue escrow accounts. Due to the Authority's participation in the Moving To Work Demonstration Program, which has the same goals and objectives as the FSS program, no new families will be enrolled in the FSS program. The FSS program will be administered under the following guidelines until all currently enrolled families either reach self-sufficiency, or they are no longer participating in the FSS program.

The Housing Authority has employed an FSS coordinator who will be responsible for the FSS program. As part of the needs assessment for participating families, the FSS coordinator will evaluate educational background, employment potential (including vocational interest), transportation needs, childcare needs, budgeting and/or family counseling needs, and short- and long-term goals. After the FSS contract has been signed and the deadlines set, the FSS coordinator will contact the service providers to enroll the families in the appropriate programs. The FSS coordinator will then have the responsibility for monitoring the families, including regular and interim income determinations, calculating escrow accounts, verifying that the family has met their goals, and re-negotiating family FSS contracts, if necessary.

The FSS coordinator will be checking on the families every three to four months to determine their progress, to coordinate any additional supportive services, if necessary, and to modify the FSS contracts if the Housing Authority determines that a modification is needed. The coordinator will also perform the annual recertifications. Once a family has achieved self-sufficiency, they will be terminated from the program and be given the money in their escrow account. The coordinator will then contact the next families in line for participation in the program.

Families can also be terminated from the program if they do not meet their FSS goals and have insufficient reasons, if they violate their Section 8 lease agreement, or no longer wish to participate in the program. In those instances, they will forfeit their escrow accounts.

At any time the FSS coordinator becomes aware of problems with families who might jeopardize their continued involvement, an attempt will be made to correct the problem and encourage them to continue. If that is not possible, families will be notified that their Section 8 rental assistance will be terminated, and that they have the right to request a hearing. The hearing will need to be requested within ten days of the written notice, and will be held prior to termination of assistance. The Housing Authority hearing officer, who is the Assistant Executive Director, will hold the hearing. If the decision is made to terminate, the landlord will be given a 30-day notification. Families making a sincere effort to find work, but who cannot, after their five-year FSS contract is completed, will not be terminated from the Section 8 rental assistance program. Those families who have not made a sincere effort to find work, as determined by the hearing officer, will be terminated from both the FSS and Section 8 programs. Families, who have been terminated from the FSS program, will not be allowed to participate in the FSS program again until other interested families have had a chance to participate.

If a family is found to have not reported income and, therefore, has a retroactive rent due to the Housing Authority, the Housing Authority will enter into a promissory note with the family. If the note agreement is breached, their assistance will be terminated at the next regular re-examination, if the note is not made current by that date. No back rent will be credited to the escrow account for the period in question. If the family is terminated from the program, the escrow account will be used to repay any amount owed. Excess amounts will be credited to the Housing Authority.

Families, who wish to exercise portability into the jurisdiction of this PHA and wish to participate in the FSS program, will be evaluated by the PHA for the reasons for the portability request and the availability of the necessary, supportive services before approving such a request. If accepted, they will either be absorbed if a voucher and an FSS slot is available; or if not, the initiating PHA will be billed. FSS participants from this jurisdiction must be in good standing.

When a family's income equals or exceeds the fair market rate (FMR) for their bedroom size, their FSS contract will be terminated. When they then bring in verification that they are no longer receiving welfare, they will receive any amount in their escrow account, less any amounts owed to the Housing Authority. The family will have up to one year from the date of their assistance termination to bring in the verification and receive the escrow account.

Families who participate in the FSS program, and receive all or part of their escrow account will not be eligible to participate in any Section 8 rental assistance program for 3 years from the date of the termination of their FSS contract.

## **AFTERCARE PROGRAM**

The Aftercare Program has a Section 8 voucher allocation of 39 “slots” from HUD to the Housing Authority to provide rental assistance specifically for handicapped or disabled tenants.

Memorandums of Understanding have been signed by the Housing Authority and four agencies: the State of California Department of Rehabilitation; the Tulare County Mental Health Agency; The Center For Independent Living, and the Central Valley Regional Center. They sign certificates of disability for their clients and refer them to the Housing Authority for these Section 8 certificates. Each agency is allocated their own share of certificates, and maintains their own waiting list. As vacancies occur, the agencies are notified by the PHA to refer the next families on their lists.

The agencies are responsible to provide ongoing support services to their clients receiving aftercare subsidies, and for annually renewing their certificate of disability.

All other aspects of this program are subject to the regular Section 8 policies.

## APPENDIX I

03/99

### INCOME LIMITS

<b>Persons</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
	12950	14800	16650	18500	20000	21450	22950	24400	25900

Limits for larger families can be calculated.

## APPENDIX II

03/99

Fair Market Rents and Voucher Payments Standards

<b>Bedroom Size</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>FMR</b>	370	393	513	715	816	938
<b>Payment Standard</b>		393	513	715	816	938



**STATEMENT OF POLICIES GOVERNING ADMISSION  
TO AND CONTINUED OCCUPANCY OF  
LOW RENT PUBLIC HOUSING  
MOVING TO WORK DEMONSTRATION PROGRAM  
HOUSING AUTHORITY OF THE COUNTY OF TULARE**

**Revised and Approved by Resolution No. 99-19  
By the Board of Commissioners of the  
Housing Authority of the County of Tulare  
November 17, 1999**



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## **PART I – DEFINITIONS**

### **1. Annual Income:**

**A.** Annual income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporary, non-recurring or sporadic, as defined in paragraph C(1) of this section, and exclusive of certain other types of income specified in paragraph C(2)–(22) of this section.

**B.** Income includes, but is not limited to:

**(1)** The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.

**(2)** The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

**(3)** Interest, dividends and other net income of any kind from real and personal property (for this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property).

Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD. On contracts for sale of real estate, deeds of trust or mortgages held by the applicant or tenant, only the interest portion of the monthly or annual payments received by the applicant or tenant is included as income.

- (4) The gross amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment.
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, Worker's Compensation and severance pay.
- (6) Welfare assistance, including any amount being deducted from the family's income because of fraud or failure to participate in economic self-sufficiency programs or comply with work activities. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
  - (a) The amount of the allowance or grant, exclusive of the amount specifically designated for shelter or utilities, plus
  - (b) The maximum amount the welfare assistance agency could, in fact, allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph B(6)(b) shall be the amount resulting from one application of the percentage.
- (1) Periodic and determinable allowance, such as alimony and child support payments, and regular contributions and gifts received from persons not residing in the dwelling.
- (2) 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, spouse or other family member whose dependents are residing in the unit.
- (3) Income of related persons who "live in" to provide care for a sick or incapacitated family member shall be included if his/her income is available to the family, and if the person is expected to contribute towards the family" 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.

- (4) If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

**(C) Annual income does not include:**

- (1) Temporary, non-recurring nor sporadic income, such as the following:
  - (a) Casual, sporadic or irregular gifts; or
  - (b) Amounts that are specifically received for, or in reimbursement of, the cost of medical expenses.
- (1) Payments received by participants in other publicly assisted programs as reimbursement for out-of-pocket expenses incurred (special equipment, clothing, transportation, reimbursement for child care, and so forth), which are made solely to allow participation in a specific program and cannot be used for other purposes.
- (2) 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. These amounts could become net family assets.
- (3) Any earned income tax credit to the extent it exceeds income tax liability.
- (4) Amounts of educational scholarships and grants paid directly to the student or to the educational institution, and amounts paid by the government to a veteran for use in meeting the costs of tuition, fees, books and equipment. This would include federal work-study wages.
- (5) Income received under a HUD-training program.
- (6) A resident service stipend which does not exceed \$200 per month.
- (7) Income from state or local employment-training programs, as long as it is for a limited time to be determined “in advance.”

- (8) Earnings of fulltime students over 18 years of age in the home, other than head or spouse, over \$480 per year (the first \$480, or less, would be counted).
- (9) Adoption assistance payments over \$480 per year per child to help families adopting children (these children would get the \$480 deduction).
- (10) Any state or local refunds or rebates for property taxes.
- (11) Payments made by a state agency to a family with a developmentally disabled family member living in the home to offset the cost of services and equipment needed to keep that family member at home.
- (12) The hazardous duty pay to a family member in the armed forces away from home and exposed to hostile fire.
- (13) Income from employment of children (including foster children) under the age of 18 years.
- (14) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan to Attain Self Sufficiency (PASS).
- (15) Payments received for the care of foster children.
- (16) Income earned as census takers.
- (17) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following types of income are subject to such exclusion:

  - (a) Relocation payments made under Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621-4993);
  - (b) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 ( 7 U.S.C. 2011-2029);

- (c) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951-4993);
  - (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(a));
  - (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459(e));
  - (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8621-8629);
  - (g) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-2504); and
  - (h) The first \$2,000 of per capital shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian Tribe by the Secretary of the Interior (25 U.S.C. 117).
- (1) Payments received from the Job Training Partnership Act (29 U.S.C. 1552(b)).
  - (2) Payments received pursuant to participation in the following programs:
    - (a) Programs under the Domestic Volunteer Service Act of 1973, including but not limited to, the National Older Americans Volunteer Programs (OAVP) of the Federal Action Agency for persons age 60 and over, including the:
      - (a) Retired Senior Volunteer Program (RSVP);
      - (ii) Foster Grandparent Program (FGP);
      - (iii) Senior Companion Program (SCP);
      - (iv) Older American Committee Service Program;

- (v) National Volunteer Antipoverty Programs, such as VISTA, Peace Corps, Service Learning Program and special volunteer programs;
- (vi) Small Business Administration programs, such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retires Executives (SCORE) and Active Corps of Executives (ACE); and
- (vii) Title V – Community Service Employment for Older Americans, which includes:
  - [1] Senior Community Service Employment Program;
  - [2] National Caucus Center on Black Aged;
  - [3] National Urban League;
  - [4] Association National Pro Personas Mayores;
  - [5] National Council on Aging;
  - [6] National Council of Senior Citizens; and
  - [7] Green Thumb.

- (1) The PHA must not increase the annual income of a family as a result of increased income due to employment during the 12-month period beginning on the date on which the employment is commenced. Eligible families are those that reside in public-housing:
  - a. Whose income increases as a result of employment of a family member who was previously unemployed for one or more years. For purposes of this section, “previously unemployed” includes a person who has earned, in the previous twelve months, no more that would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

- b.** Whose employment income increases during the participation of a family member in any family self-sufficiency or other job training; or



c. Who is, or was, within six months, assisted under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local TANF agency, and whose earned income increases.

(1) If a live-in attendant, who would not otherwise live in the unit, is not expected to, and does not, therefore, contribute to the family's support, his/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 medical expenses. These attendants do not have residual rights. If a live-in attendant is a relative who would not otherwise live in the unit, the family may make a one-time option whether or not to count that person as a family member with residual rights or as a live-in attendant. Assets – See "Net Family Assets"

1. **Child Care Expense:** 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 is necessary to enable a family member to be gainfully employed or to further his/her education. The amount deducted shall reflect reasonable charges for childcare, and in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. When the deduction is to facilitate further education, the amount must not exceed a sum reasonably expected to cover class time and travel time to and from classes.
2. **Citizen:** A resident by birth or naturalization of the United States of America.
3. **Co-Tenant:** The husband or wife of the head-of-household or a person living with the head-of-household in a spousal relationship.
4. **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 over 18 and a disabled person or handicapped person, or is a full-time student.
5. **Disabled Person:** A person is considered disabled if: (1) the following Social Security disability definition is met, or (2) the individual has a developmental disability, as described in paragraph B below.

A. Section 223 of the Social Security Act defines disability as an inability to engage in any substantial, gainful activity because of any physical or mental impairment that is expected to result in death or has lasted, or can be expected to last, continuously for at least 12 months; or, for a blind person, at least 55 years old, inability because of blindness to engage in any substantial, gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.

B. Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)), defines developmental disability in functional terms as:

“Severe, chronic disability that: (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age 22; (c) is likely to continue indefinitely; (d) results in substantial, functional limitations in three or more of the following areas of major like activity: (1) self care, (2) receptive and responsible language, (3) learning, (4) mobility, (5) self direction, (6) capacity for independent living, (7) economic self sufficiency, and (8) reflects the person’s need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.” Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence.

It should be noted that the receipt of veteran’s benefits for disability, either service-incurred or otherwise, does not automatically establish disability as defined above, and the PHA must make the determination on the basis of its evaluation of the applicant’s condition.

Disabled or handicapped status can be verified by a doctor’s statement or other reliable medical source.

1. **Displaced – Involuntary:** Involuntarily, displaced applicants are applicants who have vacated, or will (within no more than six months from date of certification or verification) vacate, housing as a result of:

A. A disaster (fire, flood, etc.).

B. Federal, state or local government action related to code enforcement or public improvement/development.

C. Action by a housing owner, which is beyond an applicant's ability to control, occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.

1. **Educational Institution:** An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.
2. **Elderly Family:** A family whose head or spouse (or sole member) is a person who is an elderly, disabled or handicapped person. It may include two or more elderly, disabled or handicapped 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.
3. **Elderly Person:** A person who is at least 62 years of age.
4. **Eligible Alien:** A person lawfully admitted for residence to the United States.
5. **Family:** "Family" means two or more persons who regularly live together as a family, provided the income and resources of all adult members of the family are available for, and actually used in, meeting the living expenses of the family. There may also be considered as part of the family group, those members of the family temporarily absent and whose incomes and resources are available for use in meeting the living expenses of the group. Lodgers may not be included in the family.

When considering child custody to meet eligibility as a family, an adult must have custody of a child for at least six months of the coming year for the child to be considered a family member.

In joint custody cases, two adults cannot both claim the same children for eligibility purposes as separate families.

6. **Full-time Student:** A family member, other than head or spouse, who is carrying a subject load and is considered full-time for day students under the standards and practices of the educational institution attended.
7. **Handicap Assistance Expense:** Anticipated costs for care attendants and auxiliary apparatus for handicapped and disabled family members, which enable a family member (including the handicapped member) to work. The amount allowable a deduction is the amount that exceeds three percent of annual income and cannot exceed the amount earned. Expenses can include alterations to vehicles.

8. **Handicapped Person:** A person having a physical or mental impairment that: (1) is expected to be of long, continued and indefinite duration; (2) substantially impedes his/her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions. (All three conditions must be met.)
9. **Head of the Household:** The head of the household is the person who assumes legal and moral responsibility for the household. A head-of-household must be at least 18 years of age or an emancipated minor.
10. **Live-In Attendant:** A person who would otherwise not live in the unit and who is determined to be essential to the care and well-being of an elderly, disabled or handicapped tenant. A live-in attendant is not considered a family member and is not expected to contribute to the family. Their income is not counted, and they have no residual rights to occupancy if the family vacates the unit. The Housing Authority must be furnished with the name of any live-in attendant(s), and may refuse to allow, as an attendant, persons who owe money to this agency, or who have a criminal record. If a relative, who would not otherwise live in the unit, is chosen as a live-in attendant, the family will have a one-time option to decide if they will be treated as a family member, counting income, with residual rights to the unit, or as a non-relative and not counting income, with no residual rights to the unit.
11. **Lower-Income Family:** A family whose annual income is between 50% to 80% 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 the 80% of the median income for the area on the basis of its finding that such variations are necessary because of prevailing levels of construction costs or unusually or low family incomes.
12. **Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without eligible immigration status.
13. **Net Family Assets:** Value of equity in real property, savings, stocks, bonds and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property, such as furniture and automobiles, shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered as asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Section 912.106 of the regulations.)

In determining net family assets, PHAs shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received thereof. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

- 14. Proration of Assistance:** “Mixed families” with some members who are citizens or eligible aliens, and some who are not, will have assistance prorated on the basis of total number of family members who are not legally in this country. The unit rent will be increased by \$25 per month for each illegal family member living in the unit.
- 15. Remaining Member of a Tenant Family:** “Remaining member of a tenant family” means an individual remaining in a unit when other member(s) of an assisted family have moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled or handicapped head-of-household or spouse, and whose income was not counted for eligibility or TTP purposes.
- 16. Servicemen:** Persons in military or naval forces of the United States who served therein during World War II, or who have had active service therein on and after June 27, 1950, and prior to the final cessation of hostilities as proclaimed by proper federal authority.
- 17. Single Person:** “Single person” means a person living alone or intending to live alone and who does not qualify as an elderly family or a displaced person, as defined in this section, or as the remaining member of a tenant family.
- 18. Spouse:** The husband and wife of the head of the household.
- 19. Tenant Rent:** The amount payable monthly by the family as rent to the PHA. This shall be a fixed amount established by the PHA, based upon the bedroom size of the unit occupied by the family. This amount may be adjusted annually by the PHA, but may not be raised by more than ten percent in any 12-month period. Any increases will take effect on a calendar-year basis, notwithstanding the move-in date of the family.
- 20. Very Low-Income Family:** A 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 incomes.

21. **Veteran:** The term “veteran” means any person honorably discharged from the armed forces of the United States who served in World War I between April 6, 1917 and November 11, 1918, both dates inclusive, or in World War II on or after December 7, 1941, until final cessation of all hostilities, or in the Korean Conflict, Lebanon Crisis, Berlin Crisis, Quemoy and Natsu, Taiwan Straits, Cuban Crisis, the Congo, the Dominican Republic and Vietnam. “Veteran” does not include a person enlisted and accepted for active training only for a period of six months or less.

**These policies and procedures govern the Conventional Public Housing Program for the Housing Authority of the County of Tulare for all families participating in the Moving to Work Demonstration Program.**

**PART II – RECEIPT OF APPLICATIONS AND WAITING LISTS**

1. Families expressing interest in the low-rent program will be informed that the tenant-screening process includes:
  - A. An unannounced house visit to determine housekeeping standards.
  - B. A check of landlord references.
  - C. A credit check.
  - D. A check of any other factors deemed relevant to eligibility requirements (see Part III-3).
1. Families who do not meet the eligibility criteria will be informed of the reason, and that they have the right to request an informal hearing within ten days.
2. Families who fill out a complete application will be placed on the waiting list according to bedroom size and by date and time of application, unless priority has been established.
3. Contact will be made periodically with applicants to keep information current, and to be sure that they are still interested.
4. The Housing Authority reserves the right to suspend taking applications for any bedroom size or rent range at such time as the waiting list for that size exceeds two years.

### **PART III – ELIGIBILITY REQUIREMENTS**

1. Families and single persons eligible for occupancy are:
  - A. Two or more persons who have a family-type relationship (see definition); or
  - B. A single person who is:
    - (1) Eligible, by age, to receive an old-age benefit under Title II of the Social Security Act (see definition).
    - (2) Handicapped (see definition).
    - (3) Disabled within the meaning of either Section 223 of the Social Security Act or Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (see definition).
    - (4) Pregnant, who is either 18 years of age or an emancipated minor (the pregnancy must be verified by a doctor).
    - (5) Displaced by governmental action, or by a formally recognized disaster.
    - (6) The last remaining member of a tenant family.
    - (7) Other single persons. However, families and single persons who are 55 years, or older, disabled or handicapped will be housed prior to those single persons who do not qualify for one of these categories.
1. **Income Limits for Admission:** To be financially eligible, the applicant family must provide adequate evidence that annual income for the 12-month period following occupancy is not anticipated to exceed the income limits for admission (see Appendix A).

Where the family has net family assets in excess of \$5,000, annual income for eligibility and rent shall include the greater of the actual net income derived from all net family assets or a percentage of the value of such assets based upon the current passbook savings rate, as determined by HUD (the DIDC rate – see net family assets).

**2. Non-Economic Eligibility Criteria:** In determining eligibility, the following factors shall apply:

**A.** Housing assistance is restricted to citizens and non-citizens who have been lawfully admitted to the United States. Families who have no citizens or eligible alien members are not eligible. "Mixed families" may be eligible for prorated assistance.

**B. (i)** Whether the conduct of the applicant in present or prior housing has been such that admission to the program may reasonably be expected to adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project. A record of any of the following may be sufficient cause for the Housing Authority to deny eligibility:

**(1)** A record of non-payment of rightful obligations, including rent, utilities and credit purchases.

**(2)** A record of disturbance of neighbors.

**(3)** A record of destruction of property.

**(4)** Evidence of poor living or housekeeping habits.

**(5)** A history of criminal activity involving crimes of physical violence to persons or property, or a record of other criminal acts, which may reasonably be expected to adversely affect the health, safety or welfare of other residents.

**(6)** A history of alcohol or drug abuse, which likely results in conduct that would adversely affect the project environment; or current illegal use of a controlled substance, or there exists reasonable cause to believe that the applicant abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

**(7)** Money owing to the Housing Authority from prior occupancy.

**(8)** If the tenant is currently living in a unit subsidized by the Housing Authority or Kaweah Management Company.



- (9) If the applicant, or any family member, has been evicted from public, Indian or Section 8 housing because of drug-related, criminal activity within the past three years.
- (ii) (1) The Housing Authority may, but is not required to, waive the provisions of paragraph 3.B.(i)(9), above, if the person demonstrates to the satisfaction of the Housing Authority that they have successfully completed a rehabilitation program approved by the Housing Authority, or the circumstances leading to the eviction no longer exist.

(2) The Housing Authority may, but is not required to, waive the provisions of paragraph 3.B.(I)(9), above, if the person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in the abuse of alcohol or use of controlled substances, and has successfully completed a supervised drug or alcohol rehabilitation program, or otherwise been successfully rehabilitated, or is successfully participating in a supervised drug or alcohol rehabilitation program.

(3) An applicant denied admission based upon a criminal record must be told the reason for the rejection and given an opportunity to request an informal hearing to dispute the accuracy or relevancy of the record.

(4) The Housing Authority shall keep all criminal records in a separate, confidential file, and shall destroy such records when the purpose for which they were obtained has been accomplished.
- (iii) (1) The Housing Authority must deny tenancy to persons convicted of manufacturing or producing methamphetamines.
- A. The Housing Authority will make any reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

- B.** In determining eligibility for admission, the Housing Authority shall rely upon sources of information, which may include but not be limited to, Housing Authority records, personal interviews with the applicant or tenant, home visits, interviews with current and previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians or law enforcement agencies. This will be done in order to determine whether the individual attributes, prior conduct and behavior of a particular applicant or tenant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by affecting adversely their health, safety or welfare, or by adversely affecting the physical environment or the financial stability of the Housing Authority's low-income housing program.
- C.** In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable, future conduct or financial prospects.
- 1.** Each applicant determined to be ineligible shall be promptly notified by the Housing Authority, in writing, of such determination with the reasons therefore and of his/her right, upon request within ten days, to an informal hearing on the determination.
- 2. Eligibility for Continued Occupancy:** To be eligible for continued occupancy, residents must meet the following criteria:

  - A.** Qualify as a family (see definition), or who is the last remaining member of a tenant family (excluding live-in attendants).
  - B.** Conform to the occupancy standards.
  - C.** Must not have conduct that proves detrimental to the project or its residents.
  - D.** Must have disclosed all criminal records of any adult family member
  - E.** Must meet citizen or eligible alien criteria.
  - F.** Must not be illegally using a controlled substance, and must not be abusing alcohol when such abuse interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
  - G.** Meet community service requirement

1. Families whose incomes exceed 120% of the area median, as defined by HUD, and adjusted for family size, will no longer be eligible. These families will be given a six-month notice to vacate.
2. The same standards of tenant suitability that are used for applicants also apply to any person a family in occupancy wishes to move into the unit. The PHA will determine that the person meets the standards prior to adding that person's name to the family's lease. If that person, or the family, does not cooperate, and moves that person into the unit without PHA permission, it could be grounds for eviction.
3. Families admitted to, or choosing to convert to, the Moving to Work Demonstration Program, will be allowed to live in a Housing Authority public housing unit (including transfers) for a maximum of five years. After that time limit, they will be given a six-month notice to vacate. Such families will be allowed to apply for readmission after they have vacated their unit.

#### **PART IV – VERIFICATIONS**

All income and asset information for admission and continued occupancy will be verified by the Housing Authority, as well as eligible alien status.

When an applicant or tenant reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received (i.e., TANF, welfare, unemployment compensation, child support, etc.), the absence of such income will be verified.

All verifications will be obtained within 60 days of initial lease date, or effective date for all subsequent re-examinations and redeterminations, to ensure that current and accurate data are being used in calculating rents and eligibility. Families will be required to sign a certification form disclosing all criminal records for any adult family members. This certification will be verified after all other eligibility criteria has been screened. Failure to disclose a criminal record may be grounds for termination or eviction.

Tenant files will contain documentation of all verifications.

- A. Applicants/tenants must furnish verification, or provide authorization, for the Housing Authority to obtain verification from a third party of all statements regarding income, assets and allowances. Certification by signing the application for admission or the application for continued occupancy would normally be considered sufficient verification of family composition. However, further verification may be required.

- B.** All income, assets and each applicable deduction or exemption will be verified at the time of admission and at each subsequent re-examination or redetermination. Income will be verified by third-party verification. If third-party, written verification is not possible, a review of documentation provided by the family, such as benefit checks, income tax returns, benefit award letters, savings and checking account statements, estimated market value of real estate, United States savings bond redemption values, and other supporting documents may be accepted. In cases where third-party verification is not possible, the Housing Authority will document the reason why another method was used. Notarized tenant statements will be used only as a final resort.
- C.** Self-employed persons, or persons whose earnings are irregular, will be required to furnish summary data from books of account or certified statements, showing gross receipts, itemized expenses and net income.
- D.** Verifications obtained by telephone or personal interview must be documented with the source, date and person receiving the information clearly indicated.
- E.** The following information will also be verified and documented in the tenant file:
  - (1)** A record of the home visit of the applicant's housing accommodations must be kept in file.
  - (2)** Handicap, disability, veteran or serviceman status, when they are a factor in determining eligibility or priority, and/or the need for a live-in attendant.

For persons who claim disability but who are not recipients of benefits under Section 223 of the Social Security Act or Section 102(b)5 of the Developmental Disabilities Services and Facilities Construction Amendment of 1970, proof of residence in an institution, documents showing hospitalization for a disability or verification by a health or service professional, such as a social worker, may provide a basis for verification. If adequate verification is not available from other sources, then verification from a physician may be required. The receipt of veteran's benefits for disability, either service-incurred or otherwise, does not automatically establish eligibility by disability.

- (3)** Full-time student status.
- (4)** Non-economic selection criteria when information provides the basis for denial of eligibility based upon the past conduct of the applicant or members of his/her family.

- A. Verification of age of any family member may be required.
- G. **Rechecking Verified Findings Prior to Admission:** If there is a delay of any consequence between the determination of the family's eligibility and the time it can be admitted to a unit, the family will be questioned before admission in regard to any change in status. If changes are reported, they will be verified to determine their effect on eligibility, preference and priority rating, rent and unit size required.

**Summary of Verification Data:** Verification data is to be reviewed and evaluated as received for completeness, accuracy and conclusiveness. Where the information received is not completely adequate in all respects, follow-ups or new efforts to obtain such information are to be made and carried through to conclusion. If, during the verification process, it becomes evident that, for one or more reasons, an applicant is ineligible, the investigation is to be discontinued and the applicant notified of his/her ineligibility and the reasons therefore.

## **PART V – TENANT SELECTION CRITERIA**

1. **Objectives:** It is the policy of this Housing Authority to avoid concentrations of the most economically and socially deprived families and to house families with a broad range of incomes. In order to deconcentrate poverty and achieve the greatest possible income mix within public housing, studies will be conducted annually to determine and compare the relative tenant incomes of each development, as well as the incomes of census tracts in which the developments are located, in order to determine whether or not the development contains an appropriate income mix. To achieve such a desirable mix, the agency hereby adopts the following policy:
  - A. Income targeting up to 80% of median income.
  - B. A preference for working families.
  - C. The Housing Authority will implement a marketing strategy to attract more low-income applicants.
  - D. Flat rents.
  - E. An open waiting list will be maintained to encourage applicants from all income levels, in an easily accessible manner.
  - F. The Housing Authority will attempt to develop scattered-site, acquisition and mixed-income projects whenever possible.

The ease of the application process, coupled with rents capped at affordable levels, will attract more low-income applicants. Those higher-income applicants will mix with the large number of very low-income applicants already attracted to the agency waiting lists. Units will then be filled from the mixed-income waiting list when they become available, which will create an income mix within projects. Affordable, flat rents should encourage savings and discourage working families from moving prematurely (before they are able to achieve financial independence). This should serve as an example of achievement to those who want to better themselves, and help preserve the desirable income mix.

- 1. Tenant Selection:** Individual application pools will be maintained in the area office serving the area in which the units are located. Due to the distances between the cities in which an area's projects may be located, application preferences may be recorded. Applicants may apply for any or all low-rent waiting lists at any area office.
  - A.** As among eligible applicant families of the size and composition appropriate to available dwelling units in each locality, tenants shall be selected on the basis of priorities as set forth below.
  - B. Order of Priority:**
    - (1)** Displacement by government action will receive the highest ranking.
    - (2)** Three hundred family slots between the public housing and Section 8 programs will be reserved for families referred by the Tulare County Department of Public Social Services. These will be otherwise eligible families whose participation in job-training programs or whose employment is jeopardized by lack of a stable housing situation.
    - (3)** Fifty family slots between the public housing and Section 8 programs will be reserved for families referred by Community Services and Employment Training (C-SET). These will be otherwise eligible families whose participation in job-training programs or whose employment is jeopardized by lack of a stable housing situation.
    - (4)** One hundred family slots between the public housing and Section 8 programs will be reserved for families referred by the Tulare County Economic Development Department. These slots will be available to otherwise eligible employees of businesses creating a minimum of 25 new jobs in the county.
    - (5)** Families with income from wages, or families whose head or spouse are unable to work due to age or disability, will be housed before families who have no income from wages.

- (6) A local preference will be extended to families who are residents of Tulare County. Applicants who are working in Tulare County, who have been notified that they are hired to work in Tulare County, and full-time students of a Tulare County school, who cannot get a similar education in their own county, shall be considered as residents.
- (7) Veteran's preference, as required by California state law, will be taken into consideration.
- (8) In the event of two or more eligible applicants for the same unit size with identical priority status, the date and time sequence of applications shall govern selection, with the applicant who filed the earliest being offered the first available allocation of appropriate size.
- (9) Families and single persons, who are 55, disabled, handicapped or displaced, will be housed prior to single persons who do not qualify for one of those categories.
- (10) Elderly and disabled families housed from the waiting list following the commencement of the Moving to Work Demonstration Program (MTW) will have the option of occupancy under either the MTW rent policies or the traditional HUD public housing rent and occupancy policies.

A. At any time, 75% of Moving to Work families must have incomes at 50%, or less, of median (very low-income). If the incomes of the participating population exceed that amount, all new admissions must be very low-income until the participating tenant population is again within the guidelines.

1. **No Discrimination Because of Race, Creed, Color, Sex, Handicap, Familial Status or National Origin:** The foregoing preferences and priorities shall be followed without regard to race, creed, color, sex, handicap, familial status or national origin. In the event of two or more eligible applicants for the same unit size with identical preference and priority status, the date and time sequence of applications shall govern selection, with the applicant who filed the earliest being offered the first available vacancy of appropriate size.

If the applicant rejects two offers, other than for a justifiable reason, as stated in subparagraphs A and B, below, he/she shall be moved to the bottom of the eligible applicant list. Each application, current or inactive, shall contain notations reflecting the date of any offers, location of the unit and applicant's response.

- A. If the applicant is willing to accept the unit offered, but is unable to move at the time of the offer and presents clear evidence of his/her inability to move, the applicant shall retain his/her place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.
  - B. If an applicant presents to the satisfaction of the local Housing Authority, clear evidence that acceptance of a given offer of a suitable vacancy will result in undue hardship or handicap not related to consideration of race, creed, color, sex, handicap, familial status or national origin, such as inaccessibility to source of employment, children's daycare, and the like, the applicant shall retain his/her place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.
1. Any vacancies will be filled first by existing tenants on a transfer pending list, who are required to move due to change in family size. If no transfers are necessary, the unit will be offered to the first qualified family on the waiting list.

**PART VI – OCCUPANCY STANDARDS**

1. The age, sex and relationship of the members of the family will be taken into consideration in assigning unit sizes.

Dwellings are to be assigned so that it will not be necessary for persons of opposite sex, other than husband and wife, to occupy the same bedroom, except that if necessary at the time of admission, two children of opposite sex under three years of age may occupy the same bedroom; and, if necessary, for continued occupancy, two children of opposite sex under four years of age may occupy the same bedroom. At admission, one child under one year of age may be permitted to occupy the parents' bedroom; and if necessary, for continued occupancy, one child under two years of age may be permitted to occupy the parents' bedroom.

Units will be assigned so that the living room is not used for sleeping purposes. In order to prevent under-utilization of space and permit efficient and economical use of scarce housing resources, the following standards will determine the number of bedrooms required to accommodate a family of a given size:



Number of Bedrooms

Number of Persons

	<u>Minimum</u>	<u>Maximum</u>
0	1	1
1	1	2
2	2	5
3	4 <sup>1</sup>	7
4	6	9
5	8	11

2. Such standards may be waived when a vacancy problem exists and it is necessary to achieve or maintain full occupancy by temporarily assigning a family to a larger size unit than is required. Such family should be transferred to the proper size unit as soon as one becomes available.

In no event should waiver action be taken to assign smaller units to families than established in the maximums.

3. When it is found that the size of the dwelling is no longer suitable for the family, in accordance with these standards, the family is to be required to move to a dwelling of appropriate size.
4. Every family member, regardless of age, is to be counted as a person.
5. Verification by a doctor of the need for a live-in attendant could require the need for a larger bedroom size.
6. Foster children will be counted as family members for the purpose of determining unit size.

**PART VII – SCHEDULE OF RENTS**

- (1) **Tenant Rent:** Tenant rent shall be according to the Housing Authority rent schedule (see Appendix D), as amended annually on a calendar-year schedule. However, the Housing Authority recognizes that unforeseen emergencies may arise, such that families cannot pay their full rent. In such cases, the families may apply to the Housing Authority for relief. Relief may consist of deferral of a portion of the rent. The

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<sup>1</sup> For the CAL 30-19 Pinkham complex only, the minimum number of family members is three persons.

Housing Authority shall consider such a request, taking into consideration other local resources available to the family.

This policy is not intended to apply to seasonal income fluctuations, nor minor or temporary reductions of income.

## **PART VIII – ADDITIONAL CHARGES**

1. Each tenant is required to pay a security deposit in an amount determined by the Housing Authority (see Appendix B). Such payments must be made prior to occupancy, unless other arrangements are made with management. The security deposit will be returned to the tenant within 14 days after move-out if the following conditions are met:
  - A. There is not unpaid rent or other charges for which the tenant is liable.
  - B. The unit and all equipment are left reasonably clean and the tenant has removed all trash and debris.
  - C. There is no breakage or damage beyond that expected from normal use.
  - D. All keys issued to the tenant are turned in to the management office when the tenant vacates the unit.

Charges during occupancy may not be deducted from the security deposit, which is to be used solely to cover charges owed after move-out.

1. A late charge of \$15 will be assessed to all tenants whose rent is not receipted in person, or postmarked by the fifth working day of the month. The only exceptions to this charge will be made for tenants who have submitted a written request for a temporary rent extension, which has been approved by the Executive Director or the Executive Director's designee.
2. A key charge of \$5 will be assessed for each key requested by the tenant, after the initial move-in and at the move-out, for each key that is not returned.

## **PART IX – LEASING**

1. Prior to admission, a lease shall be signed and dated by all family members 18 years of age, or older, and by the Housing Authority. The head of the household is the person who assumes legal and moral responsibility for the household.

2. The lease is to be current at all times and must be compatible with Housing Authority policies, as well as state and federal law.
3. A copy of the lease is to be given to the lessee, who will sign an acknowledgement of receipt, and the original is to be filed in the tenant file.
4. If, through any cause, the signers of the dwelling lease ceases to be members of the tenant family, the lease is to be canceled and a new dwelling lease executed and signed by a responsible remaining member of the family, provided the family is eligible for continued occupancy.
5. If the tenant family transfers to a different low-rent unit, a new lease will be signed.
6. The lease will be amended for all rent adjustments. This procedure provides formal acknowledgement of the rent change. Documentation will be included in the tenant file to support proper notification of rent changes.
7. If, at any time during the life of the dwelling lease, any other change in the tenant's status results in the need to change or amend any provisions of the lease, or if this Housing Authority desires to waive any provisions with respect to the tenant, an amendment to the lease will be prepared.
8. All copies of lease amendments are to be dated and signed by all adult family members and the authorized Housing Authority staff member.

**PART X - RE-EXAMINATION AND REDETERMINATIONS OF TENANT ELIGIBILITY AND RENT ADJUSTMENTS**

1. As required by law, the Housing Authority will annually re-examine the status of each tenant family relating to eligibility for continued occupancy, the rent charged and the size of the unit required.
2. The Housing Authority will require a written application for continued occupancy from each family, signed by the head of the family or the spouse, which will set forth in adequate detail all data and information necessary to enable the Housing Authority to determine: (1) whether or not the family meets the requirements of eligibility for continued occupancy; (2) the rent to be charged; and (3) the size of the unit required.
3. Tenants who, at the time of application for continued occupancy, are deemed ineligible by failure to meet the continued occupancy requirements, shall be notified in writing of such ineligibility and the reason therefore, and be advised of their right to request a hearing.

4. Any tenant who has a change in family composition must notify the Housing Authority. Any adults wishing to move into the unit will be subject to the normal Housing Authority screening and selection criteria. Moving in any family member who is not an eligible alien or citizen will result in an additional \$25 rent charge for each illegal member being added to the lease. Changes in family composition will require a lease addendum signed by the family and the Housing Authority.
5. If, upon re-examination, it is found that the size or composition of a family or household has changed so that the apartment occupied by the family contains a number of rooms less or greater than necessary to provide decent, safe and sanitary accommodations, as described in the occupancy standards, management shall give notice of at least 30 days to the tenant that the tenant will be required to move to another unit.
6. **Transfer of Tenants:** Transfer of a family from one HUD-aided housing unit to another operated by this Housing Authority, when such family is eligible for continued occupancy in the dwelling to which it is transferred, shall not be subject to the preferences or other selection criteria.
7. If it has been determined that a tenant has misrepresented to management the facts upon which the rent is based so that the rent paid is less than should have been charged, then the increase in rent shall be made retroactive to the date the change should have been made. If management determines that the tenant has gained admission or remained in occupancy in the Housing Authority's project through the tenant's willful misrepresentation of income, assets or family composition, management shall notify the tenant that the tenant has 30 days to find other housing and vacate the leased premises.
8. All family member 18 years of age or older will be required to perform 8 hours of community service per month, per HUD regulations, unless exempt or participating in a self-sufficiency program

## **PART XI – LEASE TERMINATIONS**

1. The tenant may terminate the lease by providing the Housing Authority with 15 days' written notice, as defined in the lease agreement.
2. The lease may be terminated by the Housing Authority at any time by the giving of written notice for good cause, such as, but not limited to, repeated rent delinquency, failure to pay service charges, serious or repeated interference with the rights of other tenants or neighbors, serious or repeated damage to the lease premises, creation of physical or health hazards, failure of the family to fulfill community service requirements, failure to fulfill tenant obligations set forth in the lease, or for serious or repeated violations of the terms of the lease or for other good cause.

3. Families whose incomes, as verified at their annual re-examination, exceed 120% of median will be served a six-month notice to vacate.
4. Families who have been in occupancy for a total of five years under the MTW occupancy guidelines will be given a six-month notice to vacate. Such families may reapply for admission after they have vacated their unit.
5. If the Housing Authority terminates the lease, written notice will be given as follows:
  - A. At least 14 days prior to termination in the case of failure to pay rent.
  - B. Three days prior to termination commensurate with the urgency of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants, or Housing Authority employees, or the safety of the premises.
  - C. At least 30 days prior to termination in all other cases.
1. Notice of termination to tenant shall state reasons for the termination, shall inform the tenant of his/her right to make such reply as he/she may wish, and of his/her right to request a hearing in accordance with the Housing Authority's grievance procedure.
2. Grievances or appeals concerning the obligations of the tenant or the Housing Authority under the provisions of the lease shall be processed and resolved in accordance with the grievance procedure of the Housing Authority, which is in effect at the time such grievance or appeal arises, which procedure is posted in the area management office and incorporated herein. The Housing Authority is not required to provide for a grievance hearing when the tenant owes any outstanding rent or other charges to the Housing Authority, unless the grievance concerns the amount of such rent or charges and such amount is placed in escrow as required by the grievance procedure of the Housing Authority.

## **PART XII – FAMILY SELF-SUFFICIENCY**

Resident families, who request such services, will be provided with assistance by the Housing Authority to link the families with available resources, as necessary, which will enable the families to achieve a goal of self-sufficiency from subsidized housing and other forms of public assistance.

## **PART XIII – GRIEVANCE PROCEDURE**

The following appendix is an attachment to the policy, which may change from time to time. Such changes will not affect the content of the preceding policy.

#### **PART XIV – PET POLICY**

The pet policies in Attachment D are an attachment to the policy, which may change from time to time. Such changes will not affect the content of the preceding policy.

**APPENDIX A**

**Income Limits**

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Low	20,700	23,700	26,650	29,600	31,950	34,350	36,700	39050
			<u>9</u>	<u>10</u>	<u>11</u>			
			41,450	43,800	46200			

80% of Median

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Very Low	12,850	14,700	16,500	18,350	19,800	21,300	22,750	24,200
			<u>9</u>	<u>10</u>	<u>11</u>			
			25,700	27,150	28,650			

50% of Median

Income limits for larger families will be calculated as needed.

## **APPENDIX B**

### **Security Deposits**

The security deposit for all tenants is one month's rent.



## **APPENDIX C**

### **Rent Schedule**

One-Bedroom	200
Two-Bedroom	225
Three-Bedroom	275
Four-Bedroom	300
Five-Bedroom	325

## APPENDIX D

### HOUSING AUTHORITY OF THE COUNTY OF TULARE PUBLIC HOUSING FAMILY RULES FOR PETS

The following rules are established to govern the keeping of pets in public housing properties owned or operated by the Housing Authority of the County of Tulare. Guide dogs for the blind, or other animals specifically utilized in assisting the handicapped, are excluded from these rules. Management may designate areas as pet-free in the individual complexes. These areas may include, but shall not be limited to, stairways, elevators, floors of buildings, etc. Dogs are not allowed in the following complexes: CAL 30-16, CAL 30-17, units on Pinkham in Visalia, units on Orange Circle in Tulare, and units in the 700 block of "P" Street in Tulare.

All pets must be registered with the Housing Authority, and tenants must receive a written permit to keep any animal on or about the premises. This privilege may be revoked at any time, subject to the Housing Authority Grievance Procedure, if the animal becomes destructive, a nuisance to others, or if the tenant and/or owner fail to comply with the following:

1. A maximum number of two (2) pets are allowed, but only one (1) dog.
2. Permitted pets are domesticated dogs, cats, birds and fish aquariums. Dogs' and cats' weight must be under twenty-five (25) pounds.
3. Dogs are to be licensed yearly with the proper authorities, and tenants must show proof. No vicious or intimidating animals are to be kept.
4. All cats and dogs are to be neutered or spayed.
5. No pet may be kept in violation of humane or health laws.
6. Dogs shall remain in the tenant's unit or within tenant's fenced property, unless they are on a leash. Birds must be confined to a cage at all times.
7. Cats are to use litter boxes kept in tenant's premises, and cleaned periodically. Tenant is not allowed to let waste accumulate.

8. Tenants are responsible for promptly cleaning up pet droppings, if any, inside and outside the unit, and properly disposing of said droppings.
9. Tenant shall take adequate precautions to eliminate any pet odors within or around unit, and to maintain unit in a sanitary condition.
10. Tenant shall not permit disturbance by their pet, which would interfere with the quiet enjoyment of other tenants, whether by loud barking, howling, biting, scratching, chirping or other such activities.
11. If pets are left unattended for twenty-four (24) hours, or more, the Housing Authority may enter the unit to remove the pet and transfer it to the proper authorities, subject to the provisions of Section 1954 of the California Civil Code. The Housing Authority accepts no responsibility for the pet under such circumstances.
12. Tenants shall not alter their unit, patio or unit area to create an enclosure for an animal.
13. Any animal running loose will be turned over to the animal control officer.
14. Tenants are responsible for all damages caused by their pet(s).
15. Tenants are prohibited from feeding stray animals. The feeding of stray animals shall constitute having a pet without the permission of the Housing Authority.
16. Tenant shall pay a pet fee of \$5.00 per pet per month for dogs and cats.
17. Pets are to be kept flea, tick and lice-free at all times. Tenants will be responsible for flea and tick eradication in the event of infestation.
18. Dogs are to be housebroken and at least six months old before they are allowed in the tenant's unit.
19. Tenants who violate these rules are subject to the following:
  - A. Being required to get rid of their pet(s) within thirty (30) days of notice by the Housing Authority; and/or
  - B. Eviction.

I have read and understand the above regulations regarding pets and agree to conform to same.

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Tenant's Signature

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Date

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Tenant's Signature

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Date

**HOUSING AUTHORITY OF THE COUNTY OF TULARE**  
**ELDERLY AND DISABLED**  
**RULES FOR PETS**

The following rules are established to govern the keeping of pets in public housing properties owned or operated by the Housing Authority of the County of Tulare. Guide dogs for the blind, or other animals specifically utilized in assisting the handicapped, are excluded from these rules. Management may designate areas as pet-free in the individual complexes. These areas may include, but shall not be limited to, stairways, elevators, floors of buildings, etc.

Tenants permitted pets are those sixty (60) years of age, or older.

All pets must be registered with the Housing Authority, and tenants must receive a written permit to keep any animal on or about the premises. This privilege may be revoked at any time, subject to the Housing Authority Grievance Procedure, if the animal becomes destructive, a nuisance to others, or if the tenant and/or owner fail to comply with the following:

1. A maximum number of two (2) pets are allowed.
2. Permitted pets are domesticated dogs, cats, birds and fish aquariums. Dogs must weigh under twenty-five (25) pounds.
3. Dogs are to be licensed yearly with the proper authorities, and tenants must show proof. No vicious or intimidating animals are to be kept.
4. All cats and dogs are to be neutered or spayed.
5. No pet may be kept in violation of humane or health laws.
6. Dogs shall remain within the tenant's unit or the tenant's fenced property, unless they are on a leash. Birds must be confined to a cage at all times.
7. Cats are to use litter boxes kept in tenant's premises, and cleaned periodically. Tenant is not allowed to let waste accumulate.
8. Tenants are responsible for promptly cleaning up pet droppings, if any, inside and outside the unit, and properly disposing of said droppings.

9. Tenant shall take adequate precautions to eliminate any pet odors within or around unit, and to maintain unit in a sanitary condition.
10. Tenant shall not permit disturbance by their pet, which would interfere with the quiet enjoyment of other tenants, whether by loud barking, howling, biting, scratching, chirping or other such activities.
11. If pets are left unattended for twenty-four (24) hours, or more, the Housing Authority may enter the unit to remove the pet and transfer it to the proper authorities, subject to the provisions of Section 1954 of the California Civil Code. The Housing Authority accepts no responsibility for the pet under such circumstances.
12. Tenants shall not alter their unit, patio or unit area to create an enclosure for an animal.
13. Any animal running loose on the project will be turned over to the animal control officer.
14. Tenants are responsible for all damages caused by their pet(s).
15. Tenants are prohibited from feeding stray animals. The feeding of stray animals shall constitute having a pet without the permission of the Housing Authority.
16. Tenant shall pay a deposit for each pet as follows:
 

A.	Dog	\$100.00
B.	Cat	\$100.00
C.	Fish or Bird	-0-

The tenant shall pay this deposit in advance, or upon the acceptance of said pet(s). This deposit is refundable if no damage is done, as verified by the Housing Authority, after tenant disposes of the pet(s), or moves.

17. Pets are to be kept flea, tick and lice-free at all times. Tenants will be responsible for flea and tick eradication in the event of infestation.
18. Dogs are to be housebroken and at least six months old before they are allowed in the tenant's unit.

- 19.** Tenants who violate these rules are subject to the following:
- A.** Being required to get rid of their pet(s) within thirty (30) days of notice by the Housing Authority; and/or
  - B.** Eviction

I have read and understand the above regulations regarding pets and agree to conform to same.

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Tenant's Signature

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Date

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Tenant's Signature

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Date

**SECTION 8**

**RENTAL ASSISTANCE POLICY MANUAL**

**OF THE**

**HOUSING AUTHORITY OF THE COUNTY OF TULARE**

**FOR THE**

**MOVING TO WORK DEMONSTRATION PROGRAM**

**Adopted by the Board of Commissioners of the  
Housing Authority of the County of Tulare  
Resolution No. 2000-01  
Revised January 19, 2000**





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# **SECTION 8 POLICIES**

## **INTRODUCTION**

This document addresses the policies and procedures for the Housing Authority of the County of Tulare's Section 8 Moving to Work Demonstration Program.

## DEFINITIONS

1. **Affordability Adjustment:** An increase in the amount of a family's housing assistance payments for vouchers to assure continued affordability of housing by participating families.

The Public Housing Agency (PHA) has the flexibility of making, or not making, affordability adjustments.

Affordability adjustments are made to offset increases in housing costs as a result of inflation.

2. **Annual Income:**

(A) Annual income is the anticipated total income from all sources received by the family head and co-tenant (even if temporarily absent), and by each additional member of the family, including all net income derived from assets for the 12-month period following the effective date of initial determination, re-examination or redetermination of income, exclusive of income that is temporary, non-recurring or sporadic, as defined in paragraph C.1 of this section, and exclusive of certain other types of income specified in paragraph C.2-11 of this section.

(B) Income includes, but is not limited to:

1. The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based upon straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends and other net income of any kind from real or personal property (for this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property).

Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets (see definition), or a percentage of the value of such assets based upon the current passbook savings rate as determined by the United States Department of Housing and Urban Development (HUD). On contracts for sale of real estate, deeds of trust or mortgages held by the applicant or tenant, only the interest portion of the monthly or annual payments received by the applicant or tenant is included as income.

4. The gross amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.
5. Payments in lieu of earnings, such as unemployment and disability compensation, Worker's Compensation and severance pay.
6. Welfare assistance, including any amount being deducted from the family's grant because of fraud or failure to participate in economic self-sufficiency programs or comply with work activities. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
  - (a) The amount of the allowance or grant, exclusive of the amount specifically designated for shelter or utilities, plus
  - (b) The maximum amount the welfare assistance agency could, in fact, allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph 6(b) shall be the amount resulting from one application of the percentage.
2. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions and gifts received from persons not residing in the dwelling.
3. 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, spouse or other family member whose dependents are residing in the unit.

4. Income of related 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 towards 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.
5. If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

**(A) Annual income does not include:**

1. Temporary, non-recurring or sporadic income, such as the following:
  - (a) Casual, sporadic or irregular gifts; or
  - (b) Amounts that are specifically received for, or in reimbursement of, the cost of medical expenses.
1. Payments received by participants in other publicly assisted programs as reimbursements for out-of-pocket expenses incurred (special equipment, clothing, transportation, reimbursement for child care, and so forth), which are made solely to allow participation in a specific program and cannot be used for other purposes.
2. 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, or deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump-sum amount or in prospective monthly amounts. These amounts could become net family assets.
3. Any earned income tax credit to the extent it exceeds income tax liability.
4. Amounts of educational grants and 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 costs of tuition, fees, books, transportation and equipment (this would include federal work-study wages).
5. Income received under a HUD-training program.



6. A resident service stipend, which does not exceed \$200 per month.
7. Income from state or local employment training programs, as long as it is for a limited time to be determined “in advance.”
8. Earnings of full-time students over 18 years of age in the home, other than head or spouse, over \$480 per year (the first \$480 or less would be counted).
9. Adoption assistance payments over \$480 per year per child to help families adopting children (these children would get the \$480 deduction).
10. Any state or local refunds or rebates for property taxes.
11. Payments made by a state agency to a family with a developmentally disabled family member living in the home to offset the cost of services and equipment needed to keep that family member at home.
12. The hazardous-duty pay to a family member in the armed forces away from home and exposed to hostile fire.
13. Income from employment of children (including foster children) under the age of 18 years.
14. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan to Attain Self Sufficiency (PASS).
15. Income earned as census takers.
16. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment-training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment-training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.
17. Payments received for the care of foster children.

**18.** Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility, or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following types of income are subject to such exclusion:

- (a)** Relocation payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621-4993).
- (b)** The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2011-2029).
- (c)** Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951-4993).
- (d)** Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 16269(a)).
- (e)** Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459(e)).
- (f)** Payment or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8621-8629).
- (g)** Income derived from the disposition of funds of the Grand River Bank of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-2504).
- (h)** The first \$2,000 of per-capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of the Interior (25 U.S.C. 117).

**1.** Payments received from the Job Training Partnership Act (29 U.S.C. 1552(b)).

**2.** Payments received pursuant to participation in the following programs:

Programs under the Domestic Volunteer Service Act of 1973, including but not limited to, the National Older Americans Volunteer Programs (OAVP) of the Federal Action Agency for persons age 60 and over, including the following:

- (a)** Retired Senior Volunteer Program (RSVP)
- (b)** Foster Grandparent Program (FGP)
- (c)** Senior Companion Program (SCP)
- (d)** Older American Committee Service Program
- (e)** National volunteer antipoverty programs, such as VISTA, Peace Corps, Service Learning Program and special volunteer programs
- (f)** Small Business Administration Programs, such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).
- (g)** Title V – Community Service Employment for Older Americans, which includes:
  - (i)** Senior Community Service Employment Program
  - (ii)** National Caucus Center on Black Aged
  - (iii)** National Urban League
  - (iv)** Association National Pro Personas Mayores
  - (v)** National Council on Aging
  - (vi)** National Council of Senior Citizens
  - (vii)** Green Thumb

1. If a live-in attendant who would not otherwise live in the unit is not expected to, and does not therefore, 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 medical expenses. These attendants do not have residual rights. If a live-in attendant is a relative who would not otherwise live in the unit, the family may make a one-time option whether or not to count that person as a family member with residual rights, or as a live-in attendant.

**Assets** – See “Net Family Assets”

1. **Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such is necessary to enable a family member to be gainfully employed or to further his or her education. The amount deducted shall reflect reasonable charges for childcare, and in the case of childcare, necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. When the deduction is to facilitate further education, the amount must not exceed a sum reasonably expected to cover class time and travel time to and from classes.
2. **Citizen:** A resident by birth or naturalization of the United States.
3. **Co-Tenant:** The husband or wife of the head-of-household, or person living with the head-of-household in a spousal relationship.
4. **Contract Rent:** “Contract rent” means the full amount of rent charged for a unit by the landlord, including the Housing Assistance Payment (HAP) and the tenant rent.
5. **Dependent:** A member of the family household (excluding foster children), other than the family head or co-tenant, who is under 18 years of age, or is over 18 and a disabled person or handicapped person, or if a fulltime student.
6. **Disabled Person:** A person is considered disabled if: (1) the following Social Security disability definition is met, or (2) the individual has a developmental disability as described in paragraph B.

- (A) Section 223 of the Social Security Act defines disability as an inability to engage in any substantial, gainful activity because of any physical or mental impairment that is expected to result in death or has lasted, or can be expected to last, continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial, gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.
- (B) Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) defines developmental disability in functional terms as:

“Severe, chronic disability that: (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age 22; (c) is likely to continue indefinitely; (d) results in substantial, functional limitations in three or more of the following areas of major life activity: (1) self care; (2) receptive and responsive language; (3) learning; (4) mobility; (5) self direction; (6) capacity for independent living; (7) economic self sufficiency; and (8) reflects the person’s need for a combination and sequence of special , inter-disciplinary or generic care, treatment or other services which are of life-long or extended duration and area individually planned and coordinated.” Notwithstanding any other provision of law, no individual shall be considered person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence.

It should be noted that the receipt of veteran’s benefits for disability, either service-incurred or otherwise, does not automatically establish disability as defined above, and the PHA must make the determination on the basis of its evaluation of the applicant’s condition.

Disabled or handicapped status can be verified by a doctor’s statement or other reliable medical source.

1. **Displaced (Involuntary):** Involuntarily displaced applicants are applicants who have vacated, or will vacate (within no more than six months from date of certification or verification), housing as a result of:
  - (A) A disaster (fire, flood, etc.);
  - (B) Federal, state or local government action related to code enforcement, or public improvement/development; or
  - (C) Action by a housing owner, which is beyond an applicant’s ability to control, occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.

1. **Educational Institution:** An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a degree.
2. **Elderly Family:** A family whose head or co-tenant is a person who is an elderly, disabled or handicapped person. It may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well-being.
3. **Elderly Person:** A person who is at least 62 years of age.
4. **Eligible Alien:** A person lawfully admitted for residence to the United States.
5. **Fair Market Rents:** HUD publishes fair market rents on an annual basis to determine modest, non-luxury rents for the area.
6. **Family:** “Family” means two or more persons who regularly live together as a family, provided the income and resources of all adult members of the family are available for, and actually used in, meeting the living expenses of the family. There may also be considered as part of the family group (including members of the family temporarily absent), persons whose income and resources are available for use in meeting the living expenses of the group. Lodgers may not be included in the family.

When considering child custody to meet eligibility as a family, an adult must have custody of a child for at least six months of the coming year for the child to be considered a family member.

In joint custody cases, two adults cannot both claim the same children for eligibility purposes.

7. **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.
8. **Handicapped Person:** A person having a physical or mental impairment as defined by the regulations implementing the Fair Housing Act (currently 24 CFR 100.201).
9. **Head of the Household:** The head of the household is the person who assumes legal and moral responsibility for the household. A head-of-household must be at least 18 years of age or an emancipated minor.
10. **Housing Assistance Payments:** A fixed subsidy amount paid by the Housing Authority to the owner on behalf of the family. The subsidy amount will be based upon the bedroom size unit the family qualifies for, or actually rents, whichever is smaller. The subsidy amounts will be reviewed annually. See Appendix III.

11. **Housing Voucher Contract:** The contract is between the PHA and an owner in which the PHA agrees to make housing assistance payments to the owner on behalf of an eligible family.
12. **Live-In Attendant:** A person who would otherwise not live in the unit and who is determined to be essential to the care and well being of an elderly, disabled or handicapped tenant. A live-in attendant is not considered a family member and is not expected to contribute to the family. Their income is not counted, and they have no residual rights to occupancy if the family vacates the unit. The Housing Authority must be furnished with the name of any live-in attendant(s), and may refuse to allow as an attendant persons who owe money to this agency. If a relative who would not otherwise live in the unit is chosen as a live-in attendant, the family will have a one-time option to decide if that person will be considered a family member with residual rights to the unit or as strictly a live-in attendant.
13. **Lower-Income Family:** A family whose income is between 50% to 80% of the median income for the area as determined by HUD, with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80% on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.
14. **Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.
15. **Net Family Assets:** Value of equity in real property, savings, stocks, bonds and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property, such as furniture and automobiles, shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered as an asset, so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Section 812.106.)

In determining net family assets, PHAs shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable. The amount counted will be the market value, less costs and the amount actually received. In the case of a divorce, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

16. **Operating Reserve:** An account credited with earned administrative fees that exceeds expenditures for program administration during the PHA fiscal year. These funds may only be used for other housing purposes consistent with the PHA's authority and local law.

17. **Payment Standards:** Payment standards are used by the PHA to calculate the amount of a family's housing assistance payment for the voucher program. Payment standards are established by unit size.

These payment standards cannot exceed the published FMRs or any approved community-wide exception rent, and will not be less than 90% of either of the above.

18. **Portability:** "Portability" is defined as the ability for a Section 8 voucher holder to move from the jurisdiction of its current PHA to the jurisdiction of another PHA.

A PHA, which administers a housing voucher program, must accept a housing voucher holder from another PHA's jurisdiction.

19. **Proration of Assistance:** "Mixed families" with some members who are citizens or eligible aliens, and some who are not, will have assistance prorated on the basis of total number of family members, divided by number of citizens or eligible aliens. For each family member residing in the unit who is not either a citizen or an eligible alien, the HAP payment amount will be reduced by \$25.

20. **Remaining Member of a Tenant Family:** "Remaining member of a tenant family" means an individual remaining in a unit when other member(s) of an assisted family have moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled or handicapped head-of-household or spouse, and whose income was not counted for eligibility or TTP purposes.

21. **Rent Reasonableness:** Once the contract and gross rents have been determined, the PHA must determine whether or not the rental rate is reasonable. The PHA must certify and document that the contract rent is reasonable in relation to rents currently being charged for comparable units in the private, unassisted market, and that the contract rent is not in excess of rent currently being charged by the owner for comparable unassisted units, taking into consideration the location, unit type, age and amenities to be sure there is a valid comparison. In order to satisfy these requirements, the PHA must have an overall knowledge of the rental market within its jurisdiction and data on the rents being charged for specific units.

22. **Security Deposit:** A dollar amount set according to the regulations, which can be used for rent or damages owed to the owner upon termination of the lease. The amount will equal one month's "contract" rent.

23. **Servicemen:** Persons currently serving in the military or naval forces of the United States.

24. **Single Person:** "Single person" means a person living alone, or intending to live alone, and who does not qualify as an elderly family or a displaced person, as defined in this section, or as the remaining member of a tenant family.



25. **Single-Room Occupancy Housing (SRO):** An SRO is a unit which contains no sanitary facilities or food preparation facilities, or which contains one, but not both, type of facility, and which is suitable for occupancy by a single, eligible individual capable of independent living. SRO housing may be used only if:
- A. The property is located in an area in which there is a significant demand for SRO units, as determined by the HUD field office; or
  - B. The PHA and the unit of general local government and the local PHA certify to HUD that the property meets applicable local health and safety standards for SRO housing.

In the absence of local health and safety standards for SRO housing, sanitary facilities, space and security must meet the requirements in the American Public Health Association's Recommended Housing Maintenance and Occupancy Ordinance.

Each SRO unit shall be occupied by one person only.

Exterior doors and windows accessible from outside the SRO unit shall be lockable.

1. **Suspension:** Stopping the clock on the term of a family's voucher for a period determined by the PHA from the time when the family submits a Request for Lease Approval for a unit until the time when the Housing Authority approves or denies the request.
2. **Tenant Rent:** The amount payable monthly by the family as rent. The tenant rent amount will equal the difference between the contract rent to the owner for the unit the family has chosen, and the Housing Assistance Payment amount established by the Housing Authority.
3. **Very Low-Income Family:** A 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 incomes.
4. **Veteran:** A person who has received an honorable discharge from the United States military service.
- I. **Voucher:** The housing voucher is a document issued by a PHA, declaring a family to be eligible for participation in the housing voucher program and stating the terms and conditions for the family's participation

## II. RECEIPT OF APPLICATION AND ESTABLISHMENT OF A WAITING LIST

- A. Receipt of Application:** Telephone applications for all Section 8 programs will be taken by the Housing Authority administrative office handling the Section 8 program. Applications will be accepted from families apparently eligible for any or all programs. A confirmation letter will be sent to each family.
- B. Processing of Applications:** The application constitutes the basic record of each family applying for admission. Each application shall reflect the date and time received, preference status, estimated family income, race, gender, ethnicity and size of dwelling required. The application, together with all other materials relating to the family's eligibility and preference rating, etc., will be maintained in an active file for eligible applicants.
- C. Families Determined to be Ineligible:** If an applicant family is determined to be ineligible on the basis of income, family composition, or for any other reason, the applicant shall be notified promptly by letter of the determination and the reasons therefore. The applicant shall be informed in the letter of his or her right to an informal hearing, to be requested within ten days from the date of the letter, to make a reply or explanation as he or she may wish. If, after the hearing, the applicant is still determined to be ineligible, the applicant shall be notified in writing. (See regulations and hearing procedure for applicants.)

The Housing Authority will retain inactive files for a period of three years. These files will contain copies of the application and all related correspondence, and will be maintained separately from the active files.

- D. Formally Closed Waiting Lists:** Applications may be suspended if the number of families on the waiting list is such that there is no possibility of reasonably estimating when they could receive assistance.

In such a case, application taking may be temporarily suspended (see regulations). The suspension of application taking will be publicly announced by publication of a notice in a newspaper of general circulation, as well as through minority media and other suitable means. The announcement will specify the effective date of the suspension.

## **Placement of Applicants on the Waiting List:**

- 1.** The PHA will maintain a centralized waiting list for all Section 8 programs. The waiting list will show the family's name, the date and time of application, any preferences for which the applicant is eligible, and the appropriate size unit. The waiting list format must contain sufficient information for proper selection by the PHA of families who are next eligible for an allocation according to its Equal Opportunity Housing Plan. (See Section VII, "Selection of Families for Issuance of Vouchers.") It should be noted that if a family's eligibility has been determined immediately, all income has been verified, and the appropriate size allocation is available for which no other eligible family has been waiting, the PHA may immediately schedule a briefing.

All other families will have at least a temporary wait while income and other factors are being verified, as well as waiting for their name to be reached if other applicants are ahead of them on the waiting list. If verification occurred more than 90 days prior to selection, the information should be re-verified prior to briefing and issuing a voucher.

- 2.** The waiting lists for all programs will be purged on a regular basis in order to maintain an accurate record of the number of families actually wanting assistance. An application will be placed inactive when:
  - a.** Applicant so requests in writing.
  - b.** The Housing Authority is unable to contact the applicant at the address shown on their application.
  - c.** The applicant fails to respond to Housing Authority requests for information.
  - d.** The applicant fails to provide requested verifications.
  - e.** The applicant fails to attend a briefing to obtain a voucher. If the applicant notifies the Housing Authority of extenuating circumstances, which prevented attendance, the applicant may be reinstated on the waiting list. Families may be reinstated on the waiting list in the same numerical sequence they previously occupied if such a decision is reached during an informal review. (See hearing procedures for applicants.)

- f.** If requested as a reasonable accommodation, the Housing Authority will reinstate an applicant who has been purged, back on the waiting list to the original date and time of their application.

## **ELIGIBILITY REQUIREMENTS**

- A.** To be eligible for admission, a family or single person's annual income must fall within the applicable income limits for the area.

- 1.** A family consists of:

- a.** Two or more persons who have a family-type relationship (see definition).

- b.** A single person who is:

- (1)** At least 62 years of age.
- (2)** Handicapped (see definition).
- (3)** Disabled (see definition).
- (4)** Displaced by governmental action, or by a formally recognized disaster.

A single person may require a "live-in attendant" who is essential to the care and well being of the single person.

- (a)** Whose income is not to be counted for the purpose of determining eligibility or rent.

- (b)** Such persons whose incomes are not counted for determining the eligibility and rent of the family would not be parties to the lease and would not be considered the remaining member of a tenant family in the event the lessee dies or vacates the dwelling unit.

- (c)** The Housing Authority must be told the name of the person who will be living in the unit as the live-in attendant. The Housing Authority may disapprove the proposed aide if that person owes money to the Housing Authority, or commits fraud or bribery, or

other criminal acts in connection with any federal housing program.

- (1) Pregnant, who is at least 18 years of age or an emancipated minor. A doctor must verify the pregnancy.

1. **A Remaining Member of a Tenant Family:** “A remaining member of a tenant family” means an individual remaining in a unit when other member(s) of an assisted family have moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled or handicapped head-of-household or spouse, and whose income was not counted for eligibility.
2. **Other Single Persons:** However, families and single persons who are 55 years or older, disabled or handicapped would be housed prior to those who do not qualify for one of those categories.

**A. Determination of Income Eligibility:** If the PHA does not anticipate it will be ready to issue a voucher to a potentially eligible applicant within three months, a general assessment of the applicant’s income eligibility will be made on the basis of information given on the application. If, however, the PHA anticipates it will have a voucher available for the applicant within the recommended time frame, detailed income verification procedures must be performed, as required by Section 882.116(c) of the regulations, and computed in accordance with Sections 889.102, 889.103 and 889.104 of the regulations. Once computed and verified, the PHA must compare the annual income to the appropriate income limits established by HUD for the program.

1. **Income Limits:** HUD established the following income limit schedules for the PHA’s areas of operation (see Appendix I):

At any time, 75% of Moving to Work families must have incomes at 50%, or less, of median (very low-income). If the incomes of the participating population exceed that amount, all new admissions must be very low-income until the tenant population is again within the guidelines.

2. **Other Factors Affecting Applicant Eligibility:** See Part III – Grounds for Denial or Termination of Assistance.

## **I. GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE**

- A.** The Housing Authority must deny tenancy to persons convicted of manufacturing or producing methamphetamines on the premises.
- B.** The Housing Authority must deny or terminate tenancy to any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration program.

- C.** Housing assistance is restricted to citizens and non-citizens who have been lawfully admitted to the United States. Families who have no citizens or eligible alien members are not eligible. “Mixed families” may be eligible for prorated assistance.
- D.** The Housing Authority may deny an applicant admission for participation in the program, may deny issuance of another voucher to a participant who wants to move to another dwelling unit, and may decline to enter into a contract or to approve a lease, where requested by a participant, in the following cases:
- 1.** If the applicant or participant currently owes rent or other money to the Housing Authority or another housing authority.
  - 2.** If the applicant, as a previous participant in the Section 8 program, or as a current participant, has not reimbursed the Housing Authority or another housing authority for any amounts paid to an owner on a claim for rent, damages or vacancy loss.
  - 3.** If the applicant or participant has breached an agreement to repay monies owed in the above instances.
  - 4.** If the applicant or participant has committed any fraud in connection with any federal housing assistance program.
  - 5.** If any member of the family has been evicted from federally assisted housing in the last five years.
  - 6.** Families who have participated in the FSS program and received all or a portion of their escrow account may not participate in any Section 8 rental assistance program for three years from the date of the termination of their FSS contract.
  - 7.** If the applicant or participant has violated any of the family obligations listed below under the Section 8 housing program:
    - a.** The family must:
      - (1)** Supply any information that the Housing Authority or HUD determines to be necessary, including evidence of citizenship or eligible immigration status, and information for use in a regularly scheduled re-examination or interim re-examination of family income and composition.

- (2) Disclose and verify Social Security numbers and sign and submit consent forms for obtaining information.
- (3) Supply any information requested by the Housing Authority to verify that the family is living in the unit or information related to family absence from the unit.
- (4) Promptly notify the Housing Authority, in writing, when the family is away from the unit for an extended period of time, in accordance with Housing Authority policies.
- (5) Allow the Housing Authority to inspect the unit at reasonable times and after reasonable notice.
- (6) Notify the Housing Authority and the owner, in writing, before moving out of the unit or terminating the lease.
- (7) Use the assisted unit for residence by the family (the unit must be the family's only residence).
- (8) Promptly notify the Housing Authority, in writing, of the birth, adoption or court-awarded custody of a child.
- (9) Request the Housing Authority written approval to add any other family member as an occupant of the unit.
- (10) Promptly notify the Housing Authority, in writing, if any family member no longer lives in the unit.
- (11) Give the Housing Authority a copy of any owner eviction notice.
- (12) Pay utility bills and supply appliances that the owner is not required to supply under the lease.

**a.** Any information the family supplies must be true and complete.

**b.** The family, including each family member, must not:

- (1) Own, or have any interest in, the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).



- (2) Commit any serious or repeated violation of the lease.
- (3) Commit fraud, bribery or any other corrupt or criminal act in connection with the program.
- (4) Participate in illegal drug or violent criminal activity.
- (5) Sublease or let the unit or assign the lease or transfer the unit.
- (6) Receive Section 8 tenant-based program housing assistance while receiving another housing subsidy, for the same unit, or a different unit, under any other federal, state or local housing assistance program.
- (7) Damage the unit or premises (other than damage from ordinary wear and tear), nor permit any guest to damage the unit or premises.

- 1. If the family has ever been evicted from public housing.
- 2. If the Housing Authority has ever terminated assistance under the voucher program for any family member.
- 3. If any member of the family commits drug-related, criminal activity or violent criminal activity.
- 4. If a family has engaged in, or threatened, abusive or violent behavior toward Housing Authority personnel.
- 5. If any family member fails to sign and submit consent forms.
- 6. If the family is absent from their unit for over 180 days.
- 7. If the family's income exceeds 120% of area median, as determined by HUD, adjusted for family size, their income will be terminated. The family will have six months following termination to be reinstated if their income is reduced.
- 8. Families, who have received assistance under the MTW guidelines for a total of five years, will have their assistance terminated. Such families may reapply for assistance after termination.

**A. Discretion to Enter into an Agreement:** In the cases where the family owes monies, the Housing Authority may, at its discretion, offer the applicant, or participant, the

opportunity to enter into an agreement to pay amounts owed. If the Housing Authority elects to make such an offer, the agreement shall be on terms prescribed by the Housing Authority. The Housing Authority may, at any time, deny or terminate assistance for breach of such agreement.

The Housing Authority will not process portability requests for participants who are making payments on a promissory note. At such time as the note is paid in full, they will have the option of moving to another jurisdiction.

If termination of assistance is required, the Housing Authority will notify the family and give the reasons for the termination. The family will also be notified of the hearing procedures provided in Section XVII. Assistance will not be terminated until the outcome of the hearing.

- B. Reinstatement on Waiting List:** Applicants determined to be ineligible may become eligible and be reinstated on the waiting list in the same numerical sequence and be offered assistance in accordance with Housing Authority policies by paying in full any outstanding balance due.
- C. Conflict of Interest:** Sections 2.18 and 2.19 of the Annual Contributions Contract (ACC) contain conflict-of-interest provisions, which may prohibit some applicants from being determined eligible for assistance (e.g., members, officers or employees of the PHA; members of the governing body of the locality or localities which exercises any responsibilities or functions with respect to the program). The PHA will contact the HUD field office for specific guidance on this subject if it has any doubt on any specific applicant. In addition, the PHA will submit a request for a waiver of the conflict-of-interest provision to the HUD field office for a specific applicant if it has determined a waiver is merited.
- H. PHA Employees Must Not Establish Selection Criteria Based Upon the Applicant's Expected Behavior as a Tenant:** In the Section 8 Existing Housing Program, tenant selection is the responsibility of the owner, and efforts by the PHA to pre-screen voucher holders would result in owners relying on the PHA to assume a portion of their responsibility. In addition, owners' selection criteria vary widely, and any effort by the PHA to establish criteria of general applicability may result in denying the benefits of the program to families who might be acceptable to some owners. However, if asked, the Housing Authority will inform prospective landlords of the knowledge the Housing Authority may have about a family's current or previous tenancy, including any damage claims, money owed to the Housing Authority, or previous inspections.

## **I. VERIFICATIONS**

The Housing Authority will verify all income, assets, eligible alien status, Social Security numbers, and registered sex offender status for admission and continued occupancy.

When an applicant or tenant reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received (i.e., TANF, unemployment compensation, child support, etc.), the absence of such income will be verified.

All verifications will be obtained within 60 days of the certification date, or effective date, for all subsequent re-examinations and redeterminations, to ensure that current and accurate data are being used in calculating rents and eligibility.

Families will be required to sign a form stating that they have disclosed whatever criminal records are applicable to any family member, and that no member of the family is subject to requirements to register as a sex offender. If the family is given a voucher, records will be checked to verify that self-certification.

Tenants must report changes in family composition that occur between regularly scheduled appointments. The owner will have the right to screen any additional adults being added to the lease.

Any additions of family members, who are not legally in this country, will result in the assistance payment being reduced by \$25 per such person.

Tenant files will contain documentation of all verifications.

- A.** Applicants/tenants must furnish verification, or provide authorization, for the Housing Authority to obtain verification from a third party of all statements regarding income, assets and allowances. Certification by signing the application for admission, or for continued occupancy, will normally be considered sufficient verification of family composition. However, further verification may be required, depending upon the individual circumstances of the family for family composition and any other aspects relating to the family and their income.
- B.** All income, assets (including assets disposed of within the last two years), and each applicable deduction or exemption, will be verified at the time of admission and at each subsequent re-examination or redetermination. Income will be verified by third-party verification. If third-party, written verification is not possible, a review of documentation provided by the family, such as benefit checks, income tax returns, benefit award letters, savings and checking account statements, estimated market value of real estate, United States savings bond redemption values, and other supporting documents may be accepted. In cases where third-party verification is not possible, the Housing Authority will document the reason why another method was used. Tenant statements will be used only as a final resort. A telephone call or letter will follow up any verification form hand-carried by the tenant to the person filling out the form.
- C.** Self-employed persons, or persons whose earnings are irregular, will be required to furnish summary data from books of account or certified statements, showing gross receipts, itemized expenses and net income.

- D.** Verifications obtained by telephone or personal interview must be documented with the source, date and person receiving the information clearly indicated.
  
- E.** The following information will also be verified and documented in the tenant file:

1. Handicap, disability, veteran or serviceman status when they are a factor in determining eligibility, preference or priority.

For persons who claim disability, but who are not recipients of benefits under Section 223 of the Social Security Act or Section 102(b)5 of the Developmental Disabilities Services and Facilities Construction Amendment of 1970, a doctor's certificate as to the degree and possible length of such disability shall be required. The receipt of veteran's benefits for disability, either service-incurred or otherwise, does not automatically establish eligibility by disability.

2. Family medical needs requiring a larger unit.
  3. Full-time student status.
  4. Non-economic selection criteria when information provides the basis for denial of eligibility (i.e., fraud or monies owed).
  5. Social Security numbers.
  6. Eligible alien status for those claiming to be legal residents, and citizenship status if there is reason to doubt a claim of citizenship by an applicant or a resident.
- A. Verification of age of any family member may be required.
- B. **Rechecking Verified Findings Prior to Admission:** If there is a delay of any consequence between the determination of the family's eligibility and the time they can be admitted to a unit, the family will be questioned before admission in regard to any change in status. If changes are reported, they will be verified to determine their effect on eligibility, preference and priority rating, rent and unit size required.

#### **Summary of Verification Data:**

Verification data is to be reviewed and evaluated as received for completeness, accuracy and conclusiveness. Where the information received is not completely adequate in all respects, follow-ups or new efforts to obtain such information are to be made and carried through to conclusion. If during the verification process it becomes evident that, for one or more reasons, the family is ineligible, the investigation is to be discontinued and the family notified of their ineligibility and the reasons therefore. In such a case, the family is entitled to an informal hearing (see "Hearing Procedures").

## I. COMPUTATION OF ANNUAL INCOME FOR ELIGIBILITY

Once the PHA has verified all income necessary to determine income eligibility, as covered in the previous section, and has determined that it is ready to issue the family a voucher, it must compute the family's annual income in accordance with program regulations. Income will be calculated in accordance with the procedures outlined below:

A. Project the income from all known sources (see definition of "annual income") expected to come into the home during the 12-month period following the date of certification, re-examination or redetermination. Regular periods of seasonal work and lay-offs should be included.

B. Where it is difficult to project income for the coming 12-month period, it may be necessary to:

Estimate the anticipated income from all sources, based upon verified information. If any estimates are used, based upon specific verifications or other information, in computing income or allowable expenses on an annual basis, the PHA should clearly identify the rationale for its estimate and the specific method used.

1. Base the projection on amounts of actual income for the past 12 months, if circumstances are expected to be the same.

2. Annualize known income amounts for a 12-month period, even though those amounts are not expected to last for the full 12 months.

A. **When the Applicant Family's Total Assets Exceed \$5,000**, including imputed amounts of assets disposed of for less than market value during the last two years (see "asset" definition), it is necessary for the PHA to make both of the following calculations to comply with program regulations:

1. Calculate the dollar amount included in the family's annual income, which is specifically derived from assets, such as interest on savings accounts, dividends, interest portions of payments from sale of property, net income from rental of property, etc.; and

2. Calculate the dollar amount resulting from multiplying the value of the family's total assets by the current passbook rate.

The PHA must then use the larger of the dollar amounts obtained from these two separate calculations in its final computation of the family's annual income. The resulting amount is to be included with other income sources to derive total family income.

- A. Elderly or disabled families admitted from the waiting list following commencement of the MTW program will have the option of occupancy under either the MTW assistance policies, or the tradition of HUD Section 8 program rent and occupancy policies.

**I. DETERMINATION OF FAMILY’S UNIT SIZE**

The appropriate unit size for which the family is eligible must be listed on both the application for tenant eligibility and recertification, and the voucher.

- A. **Program Occupancy Standards:** The unit size designated on these documents should be assigned in accordance with the following criteria.
  1. The bedroom size assigned should not require more than two persons to occupy the same bedroom.
  2. The bedroom size assigned should not require persons of opposite sex, other than the tenant and co-tenant, to occupy the same bedroom, with the exception of infants and very young children.
  3. A two-bedroom unit may be used by a two-member family, which consists of a single parent and child, if the child is of the same sex, or by a couple who, due to medical reasons, must have separate bedrooms, as approved by the PHA.

These principles result in the following standards:

<u>Voucher Size</u>	<u>Minimum Number of Persons in Household</u>	<u>Maximum Number of Persons in Household</u>
0-BR	1	-
1-BR	1	3
2-BR	2	5
3-BR	4	7
4-BR	6	9
5-BR	8	11



- A. Occupancy Standards Flexibility:** The criteria and standards prescribed for the determination of an applicant's unit size to be listed on its voucher should apply to the vast majority of families. In some cases, however, the relationship, age, sex, health or handicap of the family members may warrant the assignment of a different unit size than that which would result from strict application of the criteria. Such flexibility is permissible to the extent the determinations are made on the basis of such factors. Any allowable determinations of this type, however, should be fully documented in the applicant's file.

**For example,** an elderly, handicapped or disabled person who requires a live-in attendant, or other accommodation, may be assigned a voucher to provide a larger-sized unit than normal occupancy standards would allow.

- 1. Smaller-Sized Units:** The family may select a smaller-sized unit, provided there is at least one sleeping room of appropriate size for each two persons in the household. (For example, a three-bedroom voucher holder with five family members could select a two-bedroom unit if there would be two bedrooms for four of the family and a living/sleeping room for the fifth member.) The family would need to sign a statement saying that they have requested the smaller unit.
- 2. Larger-Sized Units:** The unit size listed on a voucher, however, the assistance payment will be based upon either the unit size chosen, or the unit size listed on the voucher, whichever is smaller.

## **I. SELECTION OF FAMILIES FOR ISSUANCE OF VOUCHERS**

Families who are eligible will be selected from a centralized waiting list, as set forth below.

- A.** A preference will be given to any family displaced by redevelopment action on the part of a city or the county.
- B.** Three hundred family slots between the public housing and Section 8 programs will be reserved for families referred by the Tulare County Department of Public Social Services. These will be otherwise eligible families whose participation in job-training programs or whose employment is jeopardized by lack of a stable housing situation.
- C.** Fifty family slots between the public housing and Section 8 programs will be reserved for families referred by Community Services and Employment Training (C-SET). These will be otherwise eligible families whose participation in job-training programs or whose employment is jeopardized by lack of a stable housing situation.
- D.** One hundred family slots between the public housing and Section 8 programs will be reserved for families referred by the Tulare County Economic Development

Department. These slots will be available to otherwise eligible employees of businesses creating a minimum of 25 new jobs in the county.

- E.** A local preference will be extended to families who are residents of Tulare County. Applicants who are working in Tulare County, who have been notified that they are hired to work in Tulare County, and full-time students of a Tulare County school, who cannot get a similar education in their own county, shall be considered as residents. The use of this residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- F.** Veteran's preference, as required by California state law, will be taken into consideration.
- G.** In the event of two or more eligible applicants for the same unit size with identical preference and priority status, the date and time sequence of applications will govern selection, with the applicant who filed the earliest being offered the first available allocation of appropriate size.
- H.** Families and single persons who are 55 disabled, handicapped or displaced will be housed prior to single persons who do not qualify for one of these categories.
- I.** No discrimination because of race, color, creed, religion, sex, age, handicap, familial status or national origin. The foregoing preferences and priorities will be followed without regard to race, color, religion, sex, handicap, familial status or national origin.
- J.** The Housing Authority will make any reasonable accommodations in rules, practices or services, when such accommodations are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.
- K.** Available vouchers will be issued to families in the following order:
  - 1.** Absorbing families porting in from other jurisdictions. Such families will have the option of being assisted under the MTW program guidelines, or under the regular HUD policies for the Section 8 program.
  - 2.** Other waiting-list families.

3. At any time, 75% of Moving to Work families must have incomes at 50%, or less, of median (very low-income). If the incomes of the participating population exceed that amount, all new admissions must be very low-income until the participating tenant population is again within the guidelines.

## **I. ISSUANCE OF VOUCHERS (SECTION 882.209 OF THE REGULATIONS)**

### Objectives:

It is the policy of this Housing Authority to attempt to expand housing opportunities and avoid concentrations of the most economically and socially deprived families, and to encourage families to move to areas of low poverty or ethnic concentration. In order to achieve these goals, studies will be conducted to determine census tracts that contain low-poverty levels. Low poverty will be considered any census tract that has a population of which 35% or less are under the poverty level. Low minority will be considered any census tract that has a population, or which under 55%, are minorities. In order to encourage families on the Section 8 program to move to those areas, the agency hereby adopts the following policy:

1. The agency will conduct outreach to landlords of units in areas of low poverty to encourage them to rent units to tenants under the Section 8 program.
  2. The agency will encourage families during the briefing to move to areas of low poverty by providing maps to show those areas and providing a list of landlords with units in those areas who accept Section 8.
  3. The families will be informed of the option for portability to areas with low poverty or better job opportunities.
- A. When allocations become available, the next family on the waiting list will be contacted to provide any necessary verifications. Following the verification process, the family will be scheduled for a briefing.

The PHA will maintain a system to assure that it will be able to honor all outstanding vouchers within its Annual Contributions Contract (ACC) authorization.

**B. Preparation and Contents of Vouchers:** These are the sole documents, which authorize a family to look for an eligible rental unit for the program. The voucher specifies the appropriate unit size necessary to meet the family's needs, along with the assistance payment levels. The voucher also sets forth a number of requirements regarding both family and PHA responsibilities that apply, not only while the voucher is in effect, but also after a HAP contract is executed on behalf of a family. Before the voucher is given to the family, their completed application for eligibility or recertification should be carefully gone over with the family. If the family's income has changed, or if the verification forms are more than 90 days old, new or updated verifications are necessary. This may require the PHA to delay the issuance and briefing. After the briefing, the PHA must be certain to retain a copy of the voucher for the family's file.

**1. Family Responsibilities:**

- a. Finding a housing unit that meets all program requirements.
- b. Submitting a request for lease approval.
- c. Paying the rent to the owner.
- d. Abiding by the family obligations for program participants, as outlined in Section IIIA5.

**1. PHA Responsibilities:**

- a. Inspecting the family's dwelling unit.
- b. Notifying the family and owner whether or not the lease for the unit selected is approved, or providing a list of necessary repairs.
- c. Making housing assistance payments to the owner on behalf of the family, pursuant to a HAP contract in effect.
- d. Providing fair housing complaint forms (Form HUD-903), if requested by the family, and other services and assistance as may be required.
- e. Providing a list of known Section 8 landlords to voucher holders, and providing assistance to disabled families who are having difficulty locating a unit, when asked.

3. **Term of the Voucher:** The term is for a 60-day period, within which the family must submit a request for lease approval, if it is to utilize the allocation. The PHA may extend the term to a maximum 60-day additional period. The maximum term will not include the time from which the family has submitted a valid Request for Lease Approval to the time when the Housing Authority disapproves the unit. Disabled families may request an extended period as a reasonable accommodation. Such extensions would have to be approved by HUD.

**A. Briefing Sessions:**

1. **Briefing Sessions:** When a family receives a voucher, the PHA must conduct a briefing session to provide the family with an explanation of program requirements and the briefing packet. This contains information to assist the family in finding a suitable unit and an explanation of family and owner responsibilities. It is important that the briefing session be organized to give families the opportunity to ask questions, discuss the information provided, and clearly understand their rights, duties and obligations as assisted families.

**Briefing Methods:** The PHA may choose to brief families individually or in group sessions.

2. **Briefing Session Information to be Disseminated:** The regulations govern the kind of information and specific items that must be given to families in the briefing session. These are:
  - a. Assistance levels and how to calculate their rent.
  - b. Family and owner responsibilities under the lease and contract.
  - c. How to find a suitable unit.
  - d. The general locations and characteristics of the full range of neighborhoods in which the PHA is able to execute contracts. This should include areas where housing of suitable price and housing quality may be found, especially non-impacted areas.
  - e. Applicable housing quality standards.
  - f. Significant aspects of federal, state and local fair housing laws.
  - g. Assistance levels and the rent reasonableness test.

- h.** Informing the families that copies of the Housing Quality Standards (HQS), HAP contract and other pertinent documents and forms are available to them upon request.
- i.** Informing the families of housing opportunities within the area.
- j.** Informing the families of available affirmative placement activities for individuals experiencing problems.
- k.** Actively encouraging families to consider their allocation as a means of finding housing in any non-impacted area and explaining the benefits of such a move.
- l.** Informing families as to their responsibilities as a tenant to their landlord and to the PHA.
- m.** An explanation of portability.

**3. The Briefing Packet:** At the same time the PHA issues a voucher, it must give the family a briefing packet containing the required information listed below.

- a.** Information on the bedroom size and assistance level appropriate for the family size. The PHA must explain to the families all of the factors that could affect their rent.
- b.** Housing Quality Standards (HQS) used by the PHA. What the family should look for when leasing a unit.
- c.** Information regarding lead-based paint poisoning hazards, symptoms and precautions. Form HUD-52591 tells the family about the dangers of lead-based paint poisoning, how to prevent it, how to tell when a child may be suffering from it, and how to provide treatment for the child.
- d.** Equal Opportunity Complaint Form (Form HUD-903) or the Spanish version thereof (Form HUD-169-EO(2)). This brochure explains the 1968 Fair Housing Law and the remedies available to families who believe they have been discriminated against.
- e.** Request for Lease Approval (Form HUD-52517-A).
- f.** Prohibited Lease Provisions.

- g. A model lease agreement.
- h. Hearing procedures for both participants and applicants.
- i. “Fair Housing USA,” a brochure on fair housing rights.
- j. The term of the voucher and Housing Authority policy on extensions.
- k. Where the family may lease a unit, including portability.
- l. The Housing Authority policy on release of information to landlords.
- m. A map showing non-impacted areas showing schools and possible job locations.
- n. A list of landlords known to take the Section 8 program.
- o. Family obligations under the program and grounds for termination of assistance.
- p. A sign-off form giving prospective landlords tenant information on address and current landlords. Prospective landlords will be given information regarding money owed to the Housing Authority or prior damage, if they request it.

**A. Voucher Extensions, Expirations and Reissuances:**

- 1. **Voucher Extensions:** If a family is unable to find an acceptable unit within the specified 60-day term, the PHA may, upon the family’s request, extend the deadline for up to 60 additional days in one or more phases. The PHA should consider the following items in making such determinations:
  - a. The degree to which the family has made an effort to locate acceptable units by contacting landlords, real estate companies, etc.
  - b. The support services requested and provided.
  - c. Extenuating circumstances, such as hospitalization, family emergencies, etc., which affected the family’s ability to locate an acceptable unit during the first 60-day period, but are not expected to affect their search during the additional period, if granted.

- d. Whether the family’s size or need for barrier-free housing has affected their success in finding an acceptable house within the initial 60 days, but that a reasonable chance for success would exist if the family was afforded additional time.
  - e. Whether the family has submitted any previous request for lease approval, which although not approvable, has demonstrated their efforts to locate a unit.
1. If the voucher expires at the end of the initial 60-day term without an extension, or if it expires after any additional term requested and approved by the PHA, the family may reapply for the program, if they so desire, and be placed back on the waiting list according to the date and time of their reapplication and any other relevant factors. The PHA may not determine the family to be ineligible for the program on the grounds that the family was not able to utilize a previously issued voucher. Any expired vouchers should be reissued to next eligible applicants on the waiting list as soon as possible.
  3. The time period from when a family submits the paperwork for inspection until the unit passes inspection, or the owner refuses to make repairs, will not be counted toward the family’s 120-day maximum time limit. This is known as “suspension.” Disabled families may request, with good cause, reasonable accommodation regarding time limits.
  4. Extensions past the 120 day maximum will only be granted in extremely rare circumstances, and only after requested by the family, with verification of the circumstances which would necessitate such extreme measures. The Executive Director, the Assistant Executive Director, the Administrative Analyst, and the Occupancy Program Specialist can only make authorizations for such extensions.

## **IX. LEASE APPROVAL PROCESS**

When the family finds a unit that is suitable for its needs, it must submit to the PHA a completed Request for Lease Approval, signed by both parties, along with a copy of the lease agreement. The PHA will review the request to determine if the owner is eligible to participate in the program, if the unit is eligible, and if the lease is complete. The information provided by the owner and tenant on the form is also used as part of the basis for determining rent reasonableness and to schedule the unit inspection. The request for lease approval must be submitted while the family’s voucher is effective. If the voucher has expired, the PHA may extend it if it determines that the extension is warranted, that such an extension is possible within time limitations, and it has sufficient available allocations.



**A. Determination of Owner Eligibility:**

1. No present or former member or officer of the PHA (except tenant commissioner), no employee of the PHA who formulates policy or influences decisions with respect to the programs, no tenant who is a candidate for employment with the PHA in a policy or decision-making position, and no public official or member of a governing body or state legislature who exercises functions or responsibilities with respect to the Section 8 program, or any member of Congress of the United States during his/her tenure or for one year thereafter, shall have any direct or indirect interest in this contract or in any proceeds or benefits arising from it.
2. The Housing Authority may not approve a lease if the parent, child, grandparent, grandchild, sister or brother of any family member owns the unit, unless requested to do so as a reasonable accommodation for a verified disability.

Owners do not have the right to participate in the Section 8 program. Owners may be barred if:

1. The owner has violated obligations under a Housing Assistance Payments (HAP) contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
2. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
3. The owner has engaged in drug trafficking.
4. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.
5. The owner has a history or practice of renting units that fail to meet state or local housing codes.
6. The owner has not paid state or local real estate taxes, fines or assessments.

**B. Determination of Unit Eligibility:** Unit eligibility is determined by three criteria. First, the gross rent for the unit must be reasonable. Secondly, the unit must meet the program's housing quality standards (HQS). Thirdly, the rental of the unit under the

program must not violate the regulations if the unit is located in a project that receives federal, state or local subsidy.

**1. Determinations of Rent Reasonableness:** The following points are emphasized:

- a. Once the contract rent has been determined, the PHA must determine whether or not the rental rate is reasonable. The PHA must certify and document that the contract rent is reasonable in relation to rents currently being charged for comparable units in the private, unassisted market, and that the contract rent is not in excess of rents currently being charged by the owner for comparable unassisted units.

In order to satisfy these requirements, the Housing Authority inspectors will survey the rental market to maintain a working knowledge of unassisted rents at all times. They will make the determination if a requested rent is comparable to at least two unassisted units, taking into consideration the location, unit type, age and amenities, to be sure there is a valid comparison. If they determine that a rent is not reasonable, they will indicate what the appropriate rent should be.

- b. Rent reasonableness will be determined before any rent increase, if there is a five-percent decrease in the published FMR published 60 days before the contract anniversary, if directed by HUD, or at any other time at the discretion of the Housing Authority.

**1. Housing Quality Standard Determinations:**

- a. **Initial Inspection:** Before approving a lease, the Housing Authority shall inspect the unit for compliance with housing quality standards. If there are defects or deficiencies that must be corrected in order for the unit to be decent, safe and sanitary, the owner shall be advised by the Housing Authority of the work required to be done. Before a contract is executed, the unit must be reinspected to ascertain that the work has been done.
- b. **Periodic Inspection:** In addition to the initial inspection, the Housing Authority will inspect each unit at least annually, and at such other times as may be necessary, to be assured that the owner is meeting the obligation to maintain the unit in a decent, safe and sanitary condition, and to provide the agreed-upon utilities and other services.

The Housing Authority will take into account complaints and any other information coming to its attention in scheduling inspections. All complaints by families concerning compliance by the owner with the housing qualify standards shall be retained in the Housing Authority's files for three years.

**1. Determination Necessary for Leasing of Units in Federally Subsidized Rental Projects:** If a voucher holder selects a unit in a project under any of the following programs, certain determinations must be made by the PHA before any lease approval can be granted:

- a.** Section 221(d)(3) Below Market Interest Rate (BMIR) and Market Interest Rate (MIR) – HUD program.
- b.** Section 236 (insured or non-insured) – HUD program.
- c.** Section 202 – HUD program.
- d.** Section 515 interest credit – Rural Development program.

If the unit selected by a participant is located in any of these types of projects, the PHA must determine whether the project already has 40%, or more, of its units covered by one or more of the following programs:

- (1)** Section 8 Housing Assistance.
  - (2)** Section 23 Rental Assistance.
  - (3)** Rent Supplement Assistance.
  - (4)** Section 236 “Deep Subsidy” Rental Assistance.
  - (5)** State or local subsidy programs (other than property tax exemption or abatement).
- a.** If the voucher holder's leasing of the unit under the program would result in the project exceeding the 40% limitation, the request for lease approval must be disapproved. The PHA may, however, request HUD to approve an exception to the 40% limitation for the purpose of relieving the hardship of a particular family or families. Such a request should provide information which shows that the waiver is necessary because either:

- (1) There is not a sufficient supply of alternate decent, safe and sanitary housing available in the community for eligible families;  
or
- (2) The family is already a resident of the project, and their situation is such that moving would create a hardship for them.

Such waiver requests should be submitted to the HUD field office for a determination.

- (f) The voucher payment standard for such units must be the basic rent amount.

#### 1. **Notification of Lease Approval or Disapproval:**

- a. **Approval:** If the PHA determines that all applicable program requirements have been met with respect to the Request for Lease Approval, as discussed in Paragraph IX above, the PHA notifies the owner and the family, and completes the HAP contract.
- b. **Disapproval:** If the PHA determines that the lease cannot be approved for any reason, including the condition of the unit, the PHA notifies the owner and family:
  - (1) Of the reasons the lease or proposed dwelling unit was disapproved.
  - (2) That if the conditions requiring disapproval are corrected by the owner, the owner or the tenant must notify the PHA.
  - (3) If the disapproval was due to the condition of the unit, the tenant or the owner must schedule a reinspection.

The PHA may approve the unit if the conditions have been corrected satisfactorily within the given time constraints.

## X. **COMPUTATION OF RENT, EXECUTION OF LEASE AND HAP CONTRACT**

Once a Request for Lease Approval has been approved, the PHA must prepare the Housing Assistance Payments (HAP) contract for execution by the owner and the PHA.

- A. The tenant's share of rent will be either:

1. The contract rent (which has been determined to be reasonable), minus the flat assistance payment amount for the size unit on the voucher issued to the family, or the actual unit size rented, whichever is less, or;
2. A minimum rent of \$50, unless a determination of hardship has been made.

If a hardship arises and the family cannot pay their full rent, they may request a hearing for relief. Relief may consist of deferral of a portion of their rent. In considering their request, the Housing Authority may take into consideration other local resources available to the family.

This policy is not intended to apply to seasonal-income fluctuations, nor minor or temporary reductions of income.

- B. Security deposits collected prior to the owner and tenant signing the Request for Lease Approval may remain at the amount collected. The maximum an owner can collect after signing the request is an amount equal to one month's contract rent.
- C. **Execution of the Housing Assistance Payments Contract and Lease:** Once all items with respect to the HAP contract and lease have been approved and appropriately completed by the PHA, the PHA must arrange for the HAP contract to be signed by the owner and for the lease to be executed by the owner and tenant. The PHA then signs the HAP contract and returns a signed copy to the owner and the tenant and keeps a copy for the tenant file.

## XI. RE-EXAMINATION

- A. As required by law, the Housing Authority will annually re-examine the status of each tenant family relating to eligibility for continued occupancy, the rent charged and the size of the unit required.
  1. The Housing Authority will require an application for continued occupancy from each family, signed by the head of the family or the co-tenant, which will provide current family composition and income and asset information.
  2. Income will be reviewed at the time of the annual re-examination.
  3. **Contract Rent:** Increases will only be considered if the landlord submits a written request 60 days prior to the anniversary date. The same procedures used for determining the family's share of the rent for the initial HAP contract are also applicable for re-examination. Contract rent adjustments will be subject to rent reasonableness determinations.

**4. Notification of Re-Examination Results:** Once the re-examination process has been completed, the family must be notified whether or not it continues to be eligible for assistance.

**a. Families Determined Ineligible:** If a family has been determined ineligible for continued assistance, the family must be notified in writing with a statement of the reasons and offered the opportunity to request an informal hearing. In addition, because the HAP contract is expiring at the time of the re-examination, it cannot be renewed, and the family and owner must both be informed in writing of the termination date. If the family desires to continue in occupancy, the owner and family must make their own separate leasing arrangements.

In cases at re-examination or redetermination where the family's income exceeds 120% of median, the family and the landlord will be notified that assistance will be terminated. The family will also be informed that, should their income drop within six months, they will be eligible to come back in to start receiving assistance again.

If the unit becomes substandard due to action or inaction of the family, the family would be ineligible for continued assistance. If the Housing Authority cannot definitively determine that the family causes the problem, the Housing Authority will assume that the fault is with the landlord, and will issue a new voucher to the family.

**b.** If the Housing Authority terminates assistance or denies issuance of a voucher to a participant, the participant will be informed of their right to request a hearing.

**c. Family's Determined Eligible:**

**(1)** If, upon re-examination, it is found that the size or composition of a family or household has changed so that the unit occupied by the family contains a number of rooms less or greater than necessary to provide decent, safe and sanitary accommodations, as described in the occupancy standards, the family will be recertified to move.

In such cases, the Housing Authority will recertify the family to move 60 days prior to the anniversary date, or as soon as income verification is complete. The family may then move with assistance as soon as their new unit passes inspection.



- (2) If a family requests to move, agrees to move at the owner's request, is required to move as above, or their current unit does not pass inspection, they will be given a voucher to move either 60 days prior to the end of their current contract, or as soon as their income verification is complete, whichever comes last. These families will be required to attend a briefing.

The Housing Authority will pay subsidies on behalf of the participant for two units for up to one week.

- (3) If the tenant and landlord wish to renew the current contract and the unit passes inspection, they will both sign an amendment to the contract, showing the new amounts and the effective date of the changes.
- (4) Any changes to the Housing Assistance Payments levels will become effective at the family's next regularly scheduled re-examination (which coincides with the contract anniversary date).

**a. Other Eligibility Factors:** The regulations state that the family may be determined ineligible for continued assistance if the family owes money for unpaid rent or for other responsibilities under the lease with their owner, including amounts for damages to the units that may be in excess of the family's security deposit.

- (1) **Repayment Agreement When Assisted Family Moves:** Prior to issuance of a new voucher, the family must sign an agreement to repay the Housing Authority any amounts owed to the Housing Authority, by virtue of a claim paid by the Housing Authority to an owner for unpaid rent, damages or vacancy payments, or money owed to the Housing Authority for retroactive rent.

Families will normally be required to repay amounts owed within a 12-month period at no interest. In special hardship cases, with prior approval by executive staff, a 24-month repayment schedule may be authorized.

- (2) Assistance for families who have signed a repayment agreement previously with the PHA, who are behind in their payments, will be terminated at the end of their current contract, unless the payments are brought current.



- (3) The Housing Authority will not process portability requests from residents who are paying on a promissory note. At such time as the note is paid in full, they will be allowed to move to another jurisdiction.
- (4) If it has been determined that a tenant has misrepresented to management the facts upon which the rent is based so that the rent paid is less than should have been charged, then the increase in rent shall be made retroactive to the date the change should have been made. If management determines that the tenant has been subsidized through the tenant's willful misrepresentation of income, assets or family composition, management shall notify the tenant that rental assistance will be terminated, and that the tenant has the right to request a hearing (see "Terminations").

**a. Interim Changes:**

- (1) Families will be required to report any changes in family composition. Families must get permission from the Housing Authority, following all the required verification procedures, and from the landlord. The Housing Authority and the landlord have the right to deny the addition of another adult. If approval is given, an amendment will be signed.

Any additional family members added to the lease who are illegally in this country will cause the assistance payment to be decreased by \$25 for each such person.

- (2) On a case-by-case basis where a family unit dissolves, assistance will be awarded to the custodial parent, if there are minors. Otherwise, the assistance will be awarded to the family member(s) remaining in the unit, unless individual circumstances, including abuse, necessitate a different decision. If there is a dispute regarding who is entitled to remain in the unit, the assistance will be awarded as ordered by the court, and the Housing Authority will not decide between the claimants for the assistance.

## **XII. MOBILITY OF ASSISTED FAMILIES WITHIN THE PHA'S JURISDICTION**

- A. During the first year of the lease agreement, families wishing to move must obtain permission in writing from the landlord for an early termination date.
- B. **Income Review:** The family must comply with requests from the PHA for any updated income information and other such records the PHA may need since re-verification of the family's income is required.
- C. If the family has been determined eligible, the PHA must issue the family a new voucher. Although such families may be familiar with the operation of the program, they may still need much of the same information and services as provided first-time voucher holders, so attendance at a briefing is required.
- D. **Requirements Applicable to Families who are Required to Move due to Condition of Present Unit:** The PHA may find it necessary to terminate a HAP contract with an owner whose unit no longer meets the HQS where the owner refuses to correct the deficiencies. Affected families must be issued a new voucher for use in locating a new unit, and the voucher should be issued in advance of the termination date, if at all possible. (The PHA may wish initially to abate one or more housing assistance payments prior to contract termination.) It is important that the PHA provide as much assistance as possible.
- E. If and when an acceptable unit is located that is available for occupancy by the family, and the lease with the current owner can be terminated in accordance with its terms, the HAP contract with the current owner must be terminated and housing assistance payments provided for the new unit.
- F. **Direct Assistance:** The PHA must provide assistance to families who allege that illegal discrimination is preventing them from finding suitable units. Other assistance may be provided at the discretion of the PHA.
- G. If the family owes money to any housing authority and has not signed a promissory note, or they are not current on a note already signed, they will not be eligible for a new voucher.
- H. **Ineligibility Notice Requirements:** If the family has been determined ineligible for a voucher for use in relocating to a new unit, the family must be notified by the PHA in writing (required by Section 882.209(f) of the regulations), and be given an opportunity for an informal hearing.
- I. Unless a move is required due to breach of HQS or a change in family size, families will only be allowed to move two times in any 12-month period.

## XII. MOBILITY OF ASSISTED FAMILIES OUTSIDE THE PHA'S JURISDICTION

Voucher holders may move to the jurisdiction of another PHA, provided they do not owe money to the Housing Authority and are in good standing. If they owe money, they will not be allowed a voucher to move to the jurisdiction of another PHA until that money is paid in full.

### **XIII. EVICTIONS**

The contract and the assisted lease shall provide that the owner shall not terminate the tenancy, except for:

- A. Serious or repeated violation of the terms and conditions of the lease.
- B. Violations of federal, state or local law, which impose obligations on the tenant in connection with the occupancy or use of the dwelling unit and surrounding premises.
- C. Other good cause, as provided in the lease, including but not limited to, the following:
  - 1. Failure by the family to accept the offer of a new lease by the owner.
  - 2. A family history of disturbances of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or property.
  - 3. Criminal activity by family members, involving crimes of physical violence to persons or property.
  - 4. Any drug-related, criminal activity on or near the premises.
  - 5. The owner's desire to utilize the unit for personal or family use, or for a purpose other than use as a residential rental unit.
  - 6. A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit at a higher rent).
- A. The owner must give the PHA a copy of any eviction notices served to the tenant.
- B. **Family Eligibility for Continued Assistance. Termination of Tenancy is not Automatic Termination of Assistance:**
  - 1. If the family is evicted, the regulations allow the PHA to determine the family ineligible for another voucher.

2. If the family is determined to be ineligible for continued assistance at the time of termination of tenancy, the PHA is required to notify the family and to provide an informal hearing on the determination.

## **XII. TERMINATION OF HAP CONTRACTS**

In the following cases, the Housing Authority may terminate housing assistance payments that are being made on behalf of the participant under an outstanding contract.

**A. Automatic HAP Contract Terminations:** The HAP contract automatically terminates at the time:

1. The owner terminates the lease.
2. The tenant terminates the lease.
3. The owner and the tenant agree to terminate the lease.
4. The Housing Authority terminates the HAP contract.
5. The Housing Authority terminates assistance for the family.
6. There have been at least six months since the last HAP payment was made.
7. The owner does not wish to enter into a new HAP contract, nor wishes to extend the current one, and the family accepts a voucher to move.

**A. PHA-Initiated HAP Contract Terminations:** Under the following circumstances, the PHA may find it necessary to terminate the HAP contract prior to its regular termination date.

1. If the participant has violated any family obligation under the Section 8 Existing Housing Program, as stated in Section VIII,B-1(a-h). Such situations could include instances where the action or inaction of the family causes the unit to become uninhabitable, unsafe, or substandard. If the H.A. cannot definitively determine that it is the tenant's fault, then the H. A. will assume that the responsibility is the landlord's. In such instances, the family would not be eligible for continued assistance.
2. If the participant has breached an agreement for repayment of monies owed to the Housing Authority.
3. If the Housing Authority has reason to believe that a family may have committed fraud, the Housing Authority will take action to determine whether or not there has been program abuse. If a determination of fraud has been made in connection with any federal housing assistance program, the contract may be terminated.

Once the Housing Authority determines to terminate assistance due to fraud, the Housing Authority will provide both the family and the owner with a 30-day notice of termination of the HAP contract. The Housing Authority may require repayment by the family of excess housing assistance payments made on their behalf by the Housing Authority.

4. If the owner fails to maintain a dwelling unit in a decent, safe and sanitary condition, the Housing Authority may exercise any of its rights and remedies under the contract, including termination of housing assistance payments (even if the family continues in occupancy) and termination of the contract.
  5. If the family has been absent from their unit for over 180 days.
  6. If the family's income has increased to over 120% of the area median.
- A. If the Housing Authority determines to terminate the contract, and the family is eligible to move to another dwelling unit with assistance under the Housing Authority's Section 8 program, the Housing Authority will issue another voucher to the family.

## **XII. SECURITY DEPOSIT DISPOSITIONS AND CLAIMS**

The maximum deposit the owner may collect will be the one-month "contract rent." For units leased in place, deposits in excess of this amount do not have to be refunded until the family vacates the unit subject to the lease terms.

## **XIII. REASONABLE ACCOMMODATION**

The Housing Authority will make the Section 8 program accessible to disabled applicants and tenants, if it is financially feasible to do so.

Specifically, if necessary to accommodate a verified disability, the Housing Authority will:

- A. Reinstate, if requested, an application the waiting list, if they have been purged, back to their original date and time.
- B. Allow special types of Section 8 program tenancies, such as shared housing, group homes, mobile home pad rental, single-room occupancy, congregate housing or cooperative housing.
- C. Allow a lease for a unit owned by a relative.

- D.** Submit any requests for a longer term than 120 days for a voucher to HUD for approval.

## **XII. ASSISTANCE IN FAMILY/OWNER RELATIONS**

- A. Degree of PHA Involvement:** Except as noted in Section B below, the PHA has discretion in deciding upon the degree of its involvement in family/owner complaints. At a minimum, however, the PHA must be prepared to provide information about program requirements and contractual obligations of both parties. In many cases, PHA clarification of these items may be sufficient to resolve problems and prevent potential lease terminations, evictions and non-participation of specific owners. Although the disagreements between specific families and owners will vary considerably and each case will have to be handled individually, the PHA's role should always be that of emphasizing the fulfillment of program responsibilities and contractual obligations contained in the family's voucher, the lease between the family and the owner, and the PHA's HAP contract with the owner.
- B. Equal Opportunity Complaints:** If a disagreement between the owner and the family involves alleged discrimination on the part of the owner, the PHA must provide assistance to the family in accordance with Objective IV of its approved Equal Opportunity Housing Plan, which must include the following:
1. The PHA must inform the family of its rights under federal, state and local law, including the right to file a formal complaint under one or more of these laws.
  2. If the family wishes to file a complaint under Title VIII of the Civil Rights Act of 1968, the PHA must:
    - a. Assist the family in completing Form HUD-903, "Discrimination Complaint" (Form HUD-903-A Spanish version); or
    - b. Refer the family to local fair housing organization or HUD field office, where such assistance can be obtained.
- A. Assistance to Owners:** The regulations require that the owner must be responsible for the performance of ordinary and extraordinary maintenance. These responsibilities may include interior and exterior painting and maintenance to stairwells, common areas and exterior grounds. The PHA should remind the owner of their maintenance responsibilities at the time of initial inspection, at each annual inspection, and when assisted families complain to the PHA about the condition of the unit.
- B. Administrative Errors and Omissions:** It is crucial that the PHA establish and maintain a high degree of accuracy in administering its program. From time to time, minor administrative errors or omissions may be discovered, which require immediate PHA action. Administrative errors, omissions or mistakes made by PHA staff, owners or tenants may include:



**1. PHA Errors and Omissions (Examples):**

- a. Errors in calculations of assistance levels.
- b. Inappropriate determinations of family eligibility.

**1. Owner Errors and Omissions (Examples):**

- a. Not informing the PHA that the tenant has vacated the unit.

**1. Tenant Errors and Omissions (Examples):**

- a. Omission of a particular asset or income because of lack of information.
- b. Miscalculation of income.
- c. Misinformation regarding family composition.

**A. Prevention:** One of the minimum requirements of the PHA is the establishment of adequate quality control systems. Also, the PHA must provide adequate training for new staff, as well as providing monitoring and evaluation of its other employees, and further training, as necessary. In addition, the PHA staff, through tenant and owner briefings and other oral and written communication, must ensure that tenants and owners are fully informed about program requirements.

**B. Cures:** If errors or omissions are discovered, the PHA must immediately correct the deficiency as follows:

**1.** For errors that affect the tenant's share of the contract rent, the correct payment (and subsequent calculation of the correct housing assistance payment to be provided the owner) must immediately be established by an amendment to the lease and HAP contract. In addition:

- a. If the tenant's share of the rent had been incorrectly established too high, the PHA must also immediately refund the total amount due to the tenant and make up the difference from the housing assistance payment account or from administrative fees.
- b. If the tenant's share of the rent had been incorrectly established too low, the PHA must not require repayment by the tenant if solely due to PHA employee errors, but should make up the difference from

administrative fees or from the housing assistance payments account, if possible.

- c. If the tenant's share of the rent was incorrectly established too low due to a tenant error or omission, the PHA may require repayment by the family within a reasonable period of time, and if not repaid, may terminate the assistance for the family.
1. For errors that affect the owner's housing assistance payment, the correct calculation of the housing assistance payment to be provided on behalf of the family must immediately be established, and an amendment to the lease and HAP contract must be executed. In addition:
  - a. If the owner's housing assistance payment had been incorrectly established too high, the PHA must make up the difference from the housing assistance payments account or from administrative fees and require repayment by the owner within a reasonable time in accordance with Section 2.4(b) of Part II of the HAP contract. (Note: This repayment can be implemented by offsetting the amount due against future housing assistance payments.)
  - b. If the owner's housing assistance payment had been incorrectly established too low, the PHA must make up the difference from the housing assistance payments account or from administrative fees.

## **XII. INFORMAL HEARING FOR DENIAL, REDUCTION OR TERMINATION OF ASSISTANCE**

**PHA Requests:** The regulations provide that if the PHA determines an applicant to be ineligible for a voucher, the PHA must notify the applicant in writing of the reasons for the ineligibility and the right of the applicant to request, within ten days, an informal hearing. After conducting such a hearing, if requested, the PHA must also notify the applicant of the decision in writing.

These informal hearings must also be followed before the PHA refuses to renew a voucher, and before it terminates or reduces housing assistance payments to participants under the program.

### **A. Informal Review Procedures – Applicants:**

This section sets forth the procedures for an informal review accorded applicants who have been determined by the Housing Authority as ineligible to participate in the Section 8 Existing Housing Program.

1. **Eligibility for an Informal Review:** Applicants are entitled to an informal review if they have been determined by the Housing Authority to be ineligible for participation based upon any of the grounds for denial listed below:
  - a. They are taken off the waiting list.
  - b. They are denied a voucher.
  - c. A contract for assistance for the family is not executed.
  
1. **Notice to the Applicant:** The Housing Authority shall give an applicant prompt, written notice of a decision denying assistance to the applicant, including a decision denying placement on the Housing Authority waiting list, issuance of a voucher or participation in the program. This notice is to state that the applicant may request an informal review of the decision.
  
2. **Request by the Applicant:** If the applicant requests an informal review, the request must be made in writing and must be within ten working days from the date of the notice.
  
3. **Designation of Person to Conduct the Review:** The applicant review is to be conducted by any person, or persons, designated by the Housing Authority, other than a person who made or approved the decision under review or a subordinate of such person. The applicant shall be given an opportunity to present written or oral objections to the decision of the Housing Authority at the review. The applicant will be promptly notified in writing by the Housing Authority of the final decision after the informal review, including a brief statement of the reasons for the final decision.
  
4. **Decisions Not Subject to Review Procedures:** Applicants cannot request an informal review for the following purposes:
  - a. To review discretionary, administrative determinations of the Housing Authority, or to consider general policy issues or class grievances.
  - b. To review the Housing Authority's determination of the number of bedrooms entered on a voucher.
  - c. To review the Housing Authority's determination that a unit located by a voucher holder does not meet housing quality standards.
  - d. To review the Housing Authority's decision not to approve the lease for a unit.

- e. To review the Housing Authority's decision to disapprove a request by a voucher holder to extend the term of the voucher.
- f. To discuss restrictions on assistance to non-legal residents.

**A. Informal Hearings – Participants:**

This section sets forth the procedures for an informal hearing for Section 8 Existing Program participants.

- 1. Informal hearings are accorded to participants in the following cases:
  - a. A decision to deny or terminate assistance on behalf of the participant.
  - b. In the case of an assisted family who wants to move to another dwelling unit with continued participation in the Housing Authority's program, a determination of the number of bedrooms entered on the voucher under the standards established by the Housing Authority.
  - c. Termination of assistance due to breach of lease or HQS by the family.
  - d. Termination due to family absence from the subsidized unit.
  - e. Review of a hardship request.
- 1. Participants are not entitled to informal hearings to:
  - a. Review discretionary, administrative determinations by the Housing Authority.
  - b. Consider general policy issues or class grievances.
  - c. Review the Housing Authority's determination that a unit does not comply with the Housing Authority's HQS; that the owner has failed to maintain a unit in a decent, safe and sanitary housing condition; or that the unit is not decent, safe and sanitary because of an increase in family size or change in family composition.
  - d. Review a decision by the Housing Authority to exercise any remedy against the owner under an outstanding contract (including termination of housing assistance payments to the owner).

- e. Review the Housing Authority's decision not to approve a family's request for an extension of the term of the voucher issued to an assisted family who wants to move to another dwelling unit with continued participation in the Section 8 program.
- f. To discuss requirements for a larger unit due to change in family size or composition.
- g. To discuss Housing Authority failure to approve a proposed lease.
- h. Termination of assistance because the family has received assistance for the maximum five-year limit.

1. **Notice to Participant:** A notice from the Housing Authority to the participant, which adversely affects the family in cases outlined in B.1(a-d) above, will contain a brief statement of the reasons for the decision. It will state that if the participant does not agree with the decision, they may request an informal hearing, and shall state the time within ten working days from the date of the notice by which the request for the hearing must be made. The participant will be advised that all requests must be made in writing.

Hearings requested for termination or denial of assistance must be held prior to that termination. Hearings for other reasons are not required to be held prior to the effective date of those decisions.

**A. All Hearings:**

The designated PHA hearing officer will conduct hearings. Participants may, at their own expense, be represented. The hearing officer will regulate the conduct of the hearing, with both the PHA and participant given the opportunity to present evidence and question any witnesses. Evidence may be considered without regard to admissibility under rules for judicial proceedings. The family has the right to examine Housing Authority documents that are relevant to the hearing, and may copy these documents at their expense. Documents not available to the family may not be used in the hearing.

The Housing Authority will also have the right to examine, and copy at its expense, any family documents that will be presented at the hearing. Any documents not available to the Housing Authority before the hearing may not be presented.

## **XII. SPECIAL PROGRAM TYPES**

At the discretion of the PHA (except as requested as reasonable accommodation for a disability), the Housing Authority may choose to offer the following types of housing options:

- A.** Single-room occupancy (SROs)
- B.** Congregate housing.
- C.** Group homes.
- D.** Shared housing.

**APPENDIX I**

**03/99**

**INCOME LIMITS**

<b>Persons</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
	12950	14800	16650	18500	20000	21450	22950	24400	25900

Limits for larger families can be calculated.

**APPENDIX II**

**03/99**

Voucher Payments Standards

<b>Bedroom Size</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Payment Standard</b>	370	393	513	715	816	938

**APPENDIX III**

Housing Assistance Payments Amounts

<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
167	169	256	396	466	556

