

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 2003 - 2007  
Annual Plan for Fiscal Year 2003

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

**PHA Plan  
Agency Identification**

**PHA Name:** Housing Authority of the City of Rock Hill

**PHA Number:** SC022

**PHA Fiscal Year Beginning: (01/2003)**

**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 2003 - 2007**  
[24 CFR Part 903.5]

**A. Mission**

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

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

*The Housing Authority's mission is to promote and provide safe, decent and sanitary housing that is in good repair and to expand opportunity for homeownership for all the citizens it serves.*

**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)
  - Improve voucher management: (SEMAP score)
  - Increase customer satisfaction:

- Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections)
- Renovate or modernize public housing units:
- Demolish or dispose of obsolete public housing:
- Provide replacement public housing:
- Provide replacement vouchers:
- Other: (list below)

PHA Goal: Increase assisted housing choices

Objectives:

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

*Designate 20% of its Housing Choice Vouchers as to Elderly Low Income Tax Credit Project; i.e., Highland Mill, LLC. (See Table Library for Documents, page 53.)*

**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)

*Continue to provide security services and Boys & Girls Club Drug Prevention activities through the use of Public Housing subsidy funds.*

**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)

*Utilize the existing medical services provider to make available on-site treatment for residents.*

### **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)

*Continue fair housing, equal opportunity and affirmative measures free from discrimination currently being practiced.*

**Other PHA Goals and Objectives: (list below)**

*See Page 47: Statement of Progress, 5-Year Plan, Mission and Goals*

**Annual PHA Plan**  
**PHA Fiscal Year 2003**  
[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)]

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

*The Housing Authority's mission is to promote and provide safe, decent and sanitary housing that is in good repair and to expand opportunity for homeownership for all the citizens it serves.*

*In fulfilling our mission, we are committed to ensuring public trust through good judgment, keeping quality and innovation as cornerstones of our operations, and remaining employee and customer focused. We will provide sound leadership, maximize available resources, and promote partnerships to develop appropriate programs, operate efficiently, and administer responsible housing policy that is designed to enhance and improve the quality of life of all residents in our communities.*

### **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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#### **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 (Page 64)
- FY 2003 Capital Fund Program Annual Statement (Page 58)
- 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 (Page 57)
- FY 2003 Capital Fund Program 5 Year Action Plan (Page 61)
- Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text) (Page 54)
- Other (List below, providing each attachment name)

### Supporting Documents Available for Review

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

| <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:<br>Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement. | 5 Year and Annual Plans                                      |
| 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:<br>Housing Needs                                |
| X  | Most recent board-approved operating budget for the public housing program  | Annual Plan:<br>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:<br>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<br>2. Documentation of the required deconcentration and  | Annual Plan: Eligibility, Selection, and Admissions Policies |



| <b>List of Supporting Documents Available for Review</b> |  |   |
|--|--|---|
| <b>Applicable &amp; On Display</b>                       | <b>Supporting Document</b>   | <b>Applicable Plan Component</b>                  |
|  | income mixing analysis   |   |
| X  | Public housing rent determination policies, including the methodology for setting public housing flat rents<br><input checked="" type="checkbox"/> check here if included in the public housing A & O Policy | Annual Plan: Rent Determination                   |
| X  | Schedule of flat rents offered at each public housing development<br><input type="checkbox"/> check here if included in the public housing A & O Policy  | Annual Plan: Rent Determination                   |
| X  | Section 8 rent determination (payment standard) policies<br><input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan  | Annual Plan: Rent Determination                   |
| X  | Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)                                       | Annual Plan: Operations and Maintenance           |
| X  | Public housing grievance procedures<br><input checked="" type="checkbox"/> check here if included in the public housing A & O Policy   | Annual Plan: Grievance Procedures                 |
| X  | Section 8 informal review and hearing procedures<br><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<br><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 |
|  | FSS Action Plan/s for public housing and/or Section 8  | Annual Plan: Community Service & Self-Sufficiency |

| <b>List of Supporting Documents Available for Review</b> |   |   |
|--|---|---|
| <b>Applicable &amp; On Display</b>                       | <b>Supporting Document</b>  | <b>Applicable Plan Component</b>                  |
|  | Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports  | Annual Plan: Community Service & Self-Sufficiency |
| X  | 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)<br>(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<br>by Family Type |         |                |        |         |                |      |           |
|---|---------|----------------|--------|---------|----------------|------|-----------|
| Family Type   | Overall | Afford-ability | Supply | Quality | Access-ibility | Size | Loca-tion |
| Income <= 30% of AMI  | 1106    | 5              | 4      | 4       |                | 4    | 3         |
| Income >30% but <=50% of AMI                                    | 1943    | 4              | 4      | 4       |                | 3    | 30        |
| Income >50% but <80% of AMI                                     | 3359    | 3              | 3      | 4       |                | 3    | 3         |
| Elderly   | N/A     | 3              | 3      | 4       |                | 3    | 3         |
| Families with Disabilities                                      | N/A     | N/A            | N/A    | N/A     |                | N/A  | N/A       |
| White   | 65.5%   | N/A            | N/A    | N/A     |                | N/A  | N/A       |
| Black   | 33.1%   | N/A            | N/A    | N/A     |                | N/A  | N/A       |
| All Others  | 1.4%    | N/A            | N/A    | N/A     |                | N/A  | N/A       |
| Race/Ethnicity  |         |                |        |         |                |      |           |

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

- Consolidated Plan of the Jurisdiction/s  
Indicate year: 2000
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- American Housing Survey data  
Indicate year:
- Other housing market study  
Indicate year:
- Other sources: (list and indicate year of information)

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

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

| <b>Housing Needs of Families on the Waiting List<br/>PUBLIC HOUSING WAITING LIST</b> |   |                     |                 |
|--|---|---------------------|-----------------|
| 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   | 104   |                     | 109             |
| Extremely low income <=30% AMI   | 103   | 99%                 |                 |
| Very low income (>30% but <=50% AMI)   | 1   | 1%                  |                 |
| Low income (>50% but <80% AMI)   | 0   | 0                   |                 |
| Families with children   | 66  | 63%                 |                 |
| Elderly families   | 6   | 1%                  |                 |
| Families with Disabilities   | 8   | 8%                  |                 |
| White  | 41  | 39%                 |                 |
| Black  | 58  | 56%                 |                 |
| All Other  | 5   | 5%                  |                 |
| Characteristics by Bedroom Size (Public Housing Only)                                |   |                     |                 |
| 1BR  | 38  | 36%                 |                 |
| 2 BR   | 57  | 55%                 |                 |
| 3 BR   | 5   | 5%                  |                 |
| 4 BR   | 2   | 2%                  |                 |
| 5 BR   | 2   | 2%                  |                 |
| 5+ BR  |   |                     |                 |

**Housing Needs of Families on the Waiting List**  
**PUBLIC HOUSING WAITING LIST**

Is the waiting list closed (select one)?  No  Yes

If yes:

How long has it been closed (# of months)?

Does the PHA expect to reopen the list in the PHA Plan year?  No  Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed?  No  Yes

| <b>Housing Needs of Families on the Waiting List</b><br><b>SECTION 8 HOUSING CHOICE VOUCHERS</b>  |               |                     |                 |
|---|---------------|---------------------|-----------------|
| Waiting list type: (select one)<br><input checked="" type="checkbox"/> Section 8 tenant-based assistance<br><input type="checkbox"/> Public Housing<br><input type="checkbox"/> Combined Section 8 and Public Housing<br><input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)<br>If used, identify which development/subjurisdiction:   |               |                     |                 |
|   | # of families | % of total families | Annual Turnover |
| Waiting list total  | 249           |                     | 114             |
| Extremely low income <=30% AMI  | See comments  |                     |                 |
| Very low income (>30% but <=50% AMI)  | See comments  |                     |                 |
| Low income (>50% but <80% AMI)  | See comments  |                     |                 |
| Families with children  | See Comments  |                     |                 |
| Elderly families  | See Comments  |                     |                 |
| Families with Disabilities  | See Comments  |                     |                 |
| White   | See Comments  |                     |                 |
| Black   | See Comments  |                     |                 |
| All Other   |               |                     |                 |
| Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes<br>If yes:<br>How long has it been closed (# of months)? Since April 2002.<br>Does the PHA expect to reopen the list in the PHA Plan year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes<br>Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |               |                     |                 |

*Comments: Due to the requirement that all information be current at issue, we have begun taking "Section 8 Pre-Applications" and as applicants near the top of the list and are about to be issued, they are then called in to complete a formal application. Information that has not been verified (which happens at the time of formal application) is not entered into the computer system; therefore, this information is not available.*

### 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)

\*and/or have a stable income.

**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)

*Current marketing program is unbiased; locations selected by tenants are a matter of tenant choice.*

**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:<br/>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  | \$693,641.00          |                           |
| b) Public Housing Capital Fund  | 529,445.00            |                           |
| c) HOPE VI Revitalization   | 0                     |                           |
| d) HOPE VI Demolition   | 0                     |                           |
| e) Annual Contributions for Section 8 Tenant-Based Assistance                         | 2,166,167.00          |                           |
| 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                     |                           |
| <b>Other Federal Grants (list below)</b>  |                       |                           |
| Contract Administrator-The Glens  | 582,396.00            | HAP to Owner              |
| Section 8 Project Based-NS8E  | 85,000.00             | Project-based operations  |
| <b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>             |                       |                           |
|   |                       |                           |
| <b>3. Public Housing Dwelling Rental Income</b>                                       | 300,000.00            | Public Housing Operations |
| <b>4. Other income (list below)</b>   |                       |                           |
| Interest Income   | 21,000.00             | PH Operations             |
| Maintenance Charges, Sales, etc.  | 30,000.00             | PH Operations             |
| <b>4. Non-federal sources (list below)</b>  |                       |                           |
|   |                       |                           |
|   |                       |                           |
| <b>Total resources</b>  | <b>\$4,407,649.00</b> |                           |

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

## **A. Public Housing**

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

### **(1) Eligibility**

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

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe)

*At time of application, third-party verifications are mailed out and usually received within two weeks. Verifications are then updated as often as necessary, either every 120 days or at time of offering.*

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) *Credit reports.*

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

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

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

### **(2)Waiting List Organization**

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

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

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

- PHA main administrative office
- PHA development site management office (*complex in Great Falls, S.C.*)
- 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)

*Employment and Child Care needs.*

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**)

*Preference is given to elderly, near-elderly and disabled applicants, to applicants who have stable income to the household, to applicants living and working in the jurisdiction, and to applicants who are not currently assisted under any other rental assistance program.*

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)

*Preference is given to elderly, near-elderly and disabled applicants, to applicants who have income to the household, to applicants living and working in the jurisdiction, and to applicants who are not currently assisted under any other rental assistance program.*

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.

## 2 Date and Time

Former Federal preferences:

- 2 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)

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

*Preference is given to elderly, near-elderly and disabled applicants, to applicants who have income to the household, to applicants living and working in the jurisdiction, and to applicants who are not currently assisted under any other rental assistance program.*

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**

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:

*None at present; included in Admin Plan to be available should the need arise.*

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?

*Deconcentration and Income Targeting requirements can take precedence over current preferences should the need arise; these measures are a part of the Public Housing and Continued Occupancy Plan.*

- 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)

*Employing waiting list “skipping” to achieve deconcentration of poverty or income mixing goals at targeted developments when necessary to meet goals.*

- 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)

*Whatever information is selected to be released by a signed applicant release form; criminal or drug-related activity would disqualify applicants and they would not be issued a voucher for landlord consideration.*

### (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  
 Other (list below)

**(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: *If bedrooms size is unavailable and/or if applicant can provide documentation to prove difficulty in locating an acceptable unit.*

**(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

- 3 & 4 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  
1 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)

*Preference is given to elderly, near-elderly and disabled applicants, to local residents and to those who have no housing assistance over other applicants.*

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.

2 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)

- 1 Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- 3 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)

*Preference is given to elderly, near-elderly and disabled applicants, to local residents and to those who have no housing assistance over other applicants.*

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:

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

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

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

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

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

- Fixed percentage (other than general rent-setting policy)  
If yes, state percentage/s and circumstances below:

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

e. Ceiling rents

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

- Yes for all developments
- Yes but only for some developments
- 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)

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)

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)



## **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  | 369   | 110                      |
| Section 8 Vouchers  | 430   | 42                       |
| Section 8 Certificates  | 0   | 0                        |
| Section 8 Mod Rehab   | 0   | 0                        |
| Special Purpose Section 8 Certificates/Vouchers (list individually) |   |                          |
| Public Housing Drug Elimination Program (PHDEP)                     | 369 Public Housing<br>56 New Section 8 Elderly    |                          |
|   |   |                          |
| Other Federal Programs(list individually)                           |   |                          |
| Section 8 Project Based   | 81  | 14                       |
|   |   |                          |

### **C. Management and Maintenance Policies**

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

- (1) Public Housing Maintenance and Management: (list below)
  - a. Public Housing Continued Occupancy and Administrative Plan
  - b. Public Housing Dwelling Lease
  - c. Capitalization Policy
  - d. Drug Free Policy
  - e. Criminal Records Management
  - f. Equal Housing Opportunity Plan
  - g. Grievance Procedures
  - h. Rules for Apartment Living
  - i. Maintenance Policy (includes required Pest Control policy)
  - j. Personnel Policy
  - k. Procurement Policy
  - l. Pet Policy
  - m. Safety Standards Policy
  - n. Resident Initiative Policy
  - o. Parking Policy
  - p. Investment Policy
  - q. Check Signing Policy
  - r. Rent Collection Policy
  - s. Disposition of Surplus Property Policy
  - t. Travel Policy
  
- (2) Section 8 Management: (list below)
  - a. Section 8 Administrative Plan
  - b. Grievance Procedures
  - c. Information to Owners Policy

## 6. PHA Grievance Procedures

[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 903.7 9 (g)]

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

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

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

#### **(1) Capital Fund Program Annual Statement**

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

Select one:

The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment in the "Table Library" section.

-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 in the Table Library section (Page 61.)

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

## **10. Conversion of Public Housing to Tenant-Based Assistance**

[24 CFR Part 903.7 9 (j)]

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

### **A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act**

1.  Yes  No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

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

| <b>Conversion of Public Housing Activity Description</b>  |
|---|
| 1a. Development name:<br>1b. Development (project) number:  |
| 2. What is the status of the required assessment?<br><input type="checkbox"/> Assessment underway<br><input type="checkbox"/> Assessment results submitted to HUD<br><input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question)<br><input type="checkbox"/> Other (explain below) See Copy of Assessment at Page 50  |
| 3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)  |
| 4. Status of Conversion Plan (select the statement that best describes the current status)<br><input type="checkbox"/> Conversion Plan in development<br><input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY)<br><input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY)<br><input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway |
| 5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)<br><input type="checkbox"/> 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.)

**Public Housing Homeownership Activity Description  
(Complete one for each development affected)**

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

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

### **A. PHA Coordination with the Welfare (TANF) Agency**

#### 1. Cooperative agreements:

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

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

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

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

### **B. Services and programs offered to residents and participants**

#### **(1) General**

##### a. Self-Sufficiency Policies

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

- Public housing rent determination policies  
 Public housing admissions policies  
 Section 8 admissions policies  
 Preference in admission to section 8 for certain public housing families  
 Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA

- Preference/eligibility for public housing homeownership option participation
- Preference/eligibility for section 8 homeownership option participation
- Other policies (list below)

b. Economic and Social self-sufficiency programs

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

| <b>Services and Programs</b>                                       |                   |  |  |  |
|--|-------------------|--|--|--|
| Program Name & Description<br>(including location, if appropriate) | Estimated<br>Size | Allocation<br>Method<br>(waiting<br>list/random<br>selection/specific<br>criteria/other) | Access<br>(development office /<br>PHA main office /<br>other provider name) | Eligibility<br>(public housing or<br>section 8<br>participants or<br>both) |
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**(2) Family Self Sufficiency program/s**

a. Participation Description

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

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

If no, list steps the PHA will take below:

### C. Welfare Benefit Reductions

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

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

|  |
|--|
| <b>D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937</b> |
|--|

### **13. PHA Safety and Crime Prevention Measures**

[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 use to determine the need for PHA actions to improve safety of residents (select all that apply).

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed “in and around” public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing 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 2002 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)]

A copy of the Pet Policy, revised to meet QHWRA requirements, is on file and available upon request.

**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.

**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**

[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)
  - 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)

*No comments concerning the PHA Plan or Agency Plan were received during the Resident's meeting.*

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

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

Other: (list below)

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

a) *Letter from City of Rock Hill Planning Director certifying that the Agency Plan is consistent with the City of Rock Hill's latest Consolidated Plan.*

*Original certification has been made a part of the hard copy of the PHA's Agency Plan and is available for review.*

### D. Other Information Required by HUD

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

*The following required forms and Certifications have been signed and forwarded to the District Office in Columbia, South Carolina:*

*HUD-50075: Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan.*

*HUD-50070: Certification for a Drug-Free Workplace.*

*Form LLL: Disclosure of Lobbying Activities.*

*HUD-50071: Certification of Payments to Influence Federal Transactions.*

## Attachments

|           |  |
|-----------|--|
| sc022v001 | Public Housing Drug Elimination Grant Application    |
| sc022a01  | Public Housing Admissions & Continued Occupancy Plan |
| sc022b01  | Section 8 Administrative Plan                        |

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

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## STATEMENT OF PROGRESS

### 5-YEAR PLAN MISSION AND GOALS

The Housing Authority of the City of Rock Hill continues to make exceptional progress in addressing the 5-Year Mission and Goals as listed in the Annual Plan and 5-Year Plan Years 2001-2005 dated November 15, 2001 for Fiscal Year 2002.

The mission of the Housing Authority remains unchanged and is listed on Page 1 of the 5-Year Plan to promote and provide safe, decent and sanitary housing in good repair and to expand opportunity for homeownership for all the citizens it serves. The following information will show that efforts to follow this mission are bearing fruit and more families and individuals are benefiting from the efforts of the Housing Authority to provide the type housing and living environment that all eligible participants need and deserve.

#### **STRATEGIC GOAL: To Increase the Supply of Affordable Housing.**

The Housing Authority has taken steps to expand the supply of assisted housing by participating in the application process for Section 202 Housing in South Carolina and by being included in the process of applying for additional elderly/disabled housing through the South Carolina State Housing and Development Authority through the Tax Credit Program. The Housing Authority has applied for an additional 25 Housing Choice Vouchers, on March 12, 2002.

The Housing Authority continues to be a High Performer on PHAS and expects to garner a score of 95 or above on this SEMAP score for Fiscal-Year 2002. The Housing Authority's customer satisfaction continues to improve as indicated by the Resident Satisfaction Survey conducted by the Housing Authority. Documented evidence is available in Board Minutes and other files whereas current residents submit written comments thanking staff for extending extra efforts to assist them with their Maintenance and/or Management concerns. The staff continues to stress teamwork and all are aware that customer service is an indicator in their performance appraisal that will be a factor in the rating process for financial rewards. The staff, through staff meetings, staff training and conferences, work together in formulating policy change recommendations, lease and landlord changes and Management functions as they relate to timely move-in and move-out inspections, and annual and supervisory inspections in the Section 8 program. Two inspectors are now assigned to the Section 8 Program to improve the timeliness and effectiveness of Section 8 inspections.

The Housing Authority continues to modernize its units, including the replacement of: floor tile, kitchen cabinets, countertops, range hoods, bath renovations, trees, shrubs, landscape timbers, security fences, sidewalks, steps, roofs; installation of second smoke alarms, carbon monoxide detectors, new appliances, interior doors, security screen doors,

and repainting of units. Plans for the Year 2003 include air conditioning for a portion of the inventory.

The Housing Authority has discussed more choices for voucher holders and has increased its supply of landlords. On June 17, 2002, the Housing Authority Board of Commissioners designated 84 Housing Choice Vouchers for use by the elderly at a new tax credit project, Highland Mill, in Rock Hill. The Housing Authority is a partner in the LLC and will manage and provide maintenance at the facility. Counseling has been held for voucher holders regarding community choices that they may investigate, and new landlords have emerged that have different choices available; i.e., new units, manufactured homes and standard trailer parks. The Housing Authority held a Landlord Appreciation Forum in the May 2002 and maintains advertisement on the local news channel encouraging new participation of landlords. In February 2001, the Housing Authority Board authorized the increase of Payment Standards to 100% of the FMR.

#### **STRATEGIC GOAL: Improve Community Quality of Life and Economic Vitality**

The Housing Authority has adopted a Deconcentration Policy and is encouraging the policy to move higher income applicants into lower income developments. At the same time, information to encourage lower income families to move into high-income developments is also underway. This policy is in its early stages and no results have as yet been analyzed. Efforts will continue to implement this policy without compromising the Waiting List or other eligible applicants.

The Housing Authority continues to contract with a private security firm to enhance its safety concerns in its developments. Crime statistics show that crime is down in our complexes and the Resident's Survey on Crime and Safety (PHDEP program) indicate that the majority of residents feel safer now than they did a year ago. In May 2002, the Police Department of the City of Rock Hill opened a sub-station in SC 22-01 in a Housing Authority site office. We feel this action will further enhance our efforts to provide safe housing for our residents. The Housing Authority continues to provide Drug Prevention programs for the kids in its complexes through a contract with the Boys and Girls Club. Participation is at an all time high. In addition, the Housing Authority recently secured a Grant from the City's allocation of CDBG funds to renovate and retrofit an existing facility to provide medical services to the residents in a 104-unit complex. North Central Family Medical Center will provide services based on income, along with staffing and equipment for the facility which began receiving patients July 22, 2002. The Housing Authority also continues to support a Rock Hill School District program identified as Parent Smart, which prepares pre-school children and parents with skills to make the most of the educational system. Sixteen families are participating. A State Grant was awarded the Housing Authority for the initial year in 1999 and the School District continues to fund this program due to its success.

**STRATEGIC GOAL: Promote Self-Sufficiency and Asset Development of Families and Individuals.**

The Housing Authority has encouraged residents to seek employment opportunities, provides referrals to locations, cooperates with DSS in its self-sufficiency program and has referral and communication with local back-to-work agencies, including Project Work Now, a locally operated, state-funded program. The Housing Authority made several attempts to partner with the Goodwill Industries to train and educate unemployed resident to prepare an application and/or resume for work, teach interview skills and refer to training venues, but this program was never fully developed as Goodwill Industries failed to follow through in its commitment to execute an agreement. North Central Family Medical Center plans to assist the Housing Authority in efforts to secure other local resident services at its new center, including DSS, DHEC and school district GED assistance. The Housing Authority continues to work with the local WIA in efforts to employ and train drop-out teens in our complexes.

**STRATEGIC GOAL: Ensure Equal Opportunity in Housing for All Americans.**

The Housing Authority continues to support and enforce Equal Opportunity measures that are law and adopted by the Housing Authority.

## **GOALS AND OBJECTIVES**

The Housing Authority continues to be a High Performer, continues to turn around units in an acceptable time frame, and is making strong efforts to limit time on the Applicant's Waiting List to no more than six months. This goal is not being met at this time but progress is being made.

The Housing Authority has secured two partnerships in efforts to develop new units for its applicants; namely, the City of Rock Hill and developers interested in developing a total of 166 units for the elderly. One project will be financed with 202 funds and local match for 50 units, and the other is a Tax Credit Project that is in the planning stages. The Housing Authority is a partner in the LLC and will sell bonds to assist in its development. This is a 116 unit elderly project that the Housing Authority will manage and supply vouchers to residents.

The Housing Authority continues to encourage new landlords to participate in the program and conducted a landlord reception in the spring of 2002. Advertising continues on the local channel to entice new property owners.

The Housing Authority continues to increase its fund balance in all projects while at the same time, provides increased modernization work in all its complexes. No findings were denoted in the last fiscal audit for year ending December 2000.

The Housing Authority has developed and continues to promote a customer-friendly environment both for internal and external customers, and strives to operate in a fiscally prudent manner as evidenced by its financial statements, records and audits. The staff continually receives letters and comments from residents regarding exceptional customer service efforts extended by both Management and Maintenance employees.

## **PROVIDE A DECENT, SAFE AND SANITARY ENVIRONMENT IN ALL COMMUNITIES.**

The Housing Authority continues to work closely with the Police Department, the local Drug Task Force, and our own contracted security services to reduce crime in its neighborhoods. Crime statistics show that the crime rate is down in the communities in comparison to surrounding neighborhoods.

The Housing Authority continues to partner with local agencies through an effort called One Stop Partners, housed at the Job Services Center, aimed at providing information on available programs and services in one location to assist clients in need. An informational video was produced this year and is available for viewing by prospective residents at this location and also a local TV channel.

The Housing Authority continues to utilize Capital Funds to modernize its units, improve curb appeal and continue its high-quality preventative maintenance program.

The Housing Authority has executed a Memorandum of Understanding with North Central Family Medical Center to provide medical services in one of its complexes and will continue to seek assistance to provide job services opportunities to its residents.

The Housing Authority continues its partnership with the Boys & Girls Club for drug prevention, the Rock Hill School District for the Parent Smart Program, and has increased the Scholarship Program to \$1,000, including now heads of households as eligible applicants for these funds. The Board of Commissioners awarded two scholarships on June 17, 2002.

The Housing Authority executed a lease with the local police department for the administrative building in one complex that now houses the City's Patrol Division. This new initiative is expected to contribute in reducing crime and providing additional security for the residents.

CONVERSION ASSESSMENT  
HOUSING AUTHORITY OF THE CITY OF ROCK HILL  
SC022

| General Information      |                           |
|--------------------------|---------------------------|
| Development Number       | SC 22-2, 5, 7             |
| DOFA Date                | 12/31/70                  |
| Address                  | Rock Hill, South Carolina |
| Building Type            | Row                       |
| Number of Stories        | 2                         |
| Total Units              | 369                       |
| Number of Acres          | 74.5                      |
| Density (Units per Acre) | 4.9                       |

| Breakdown of Units by Bedroom Size |    |    |     |    |    |   |       |
|------------------------------------|----|----|-----|----|----|---|-------|
| Bedroom Size                       | 0  | 1  | 2   | 3  | 4  | 5 | Total |
| Number of Units                    | 30 | 90 | 128 | 88 | 25 | 8 | 369   |

| Breakdown of Units by Bedroom Size |          |          |          |          |          |          |          |
|------------------------------------|----------|----------|----------|----------|----------|----------|----------|
| Bedroom Size                       | 0        | 1        | 2        | 3        | 4        | 5        | Average  |
| TDC by Unit Size                   | \$68,000 | \$73,000 | \$82,000 | \$87,000 | \$91,500 | \$96,700 | \$99,640 |

| Breakdown of Units by Bedroom Size |       |       |       |       |        |        |          |
|------------------------------------|-------|-------|-------|-------|--------|--------|----------|
| Bedroom Size                       | 0     | 1     | 2     | 3     | 4      | 5      | Average  |
| FMR by Unit Size                   | \$534 | \$602 | \$678 | \$894 | \$1070 | \$1230 | \$834.66 |

| Applicability Determination (Enter Yes or No in Each Space)                 |    |
|---|----|
| Is the development subject to mandatory conversion under Section 202?       | No |
| Is the development funded under a HOPE VI grant?                            | No |
| Is the development designated for occupancy by the elderly and/or disabled? | No |
| Is the development the subject of a demolition/disposition application?     | No |

| Current Cost of Public Housing   |              |
|--|--------------|
| Per Unit Month Operating Cost (2002 Budget)  | \$244        |
| Direct Monthly Utility Cost (Direct Utility Costs plus Amount of Utility Allowance)    | \$89         |
| Monthly Modernization Costs (Total Per Unit Physical Needs Divided by 180)             | \$71         |
| Estimated Accrual Costs (Total Per Unit Weighted TDC Less Half Physical Needs *.02/12) | \$99         |
| <b>TOTAL MONTHLY COST OF PUBLIC HOUSING</b>  | <b>\$504</b> |

| Current Cost of Section Eight   |                 |
|---|-----------------|
| Unit-Weighted Monthly Fair Market Rent  | \$834.66        |
| Administrative Fee at 7.65%   | \$64            |
| Amortized Relocation Cost per Unit (includes Actual Costs + Counseling, Amortized for 180 Months) | \$45            |
| <b>Total Monthly Cost of Section 8</b>  | <b>\$943.66</b> |

**Public Housing is Less Expensive to Operate.**



24 CFR Part 972  
VOLUNTARY CONVERSION OF PUBLIC HOUSING DEVELOPMENTS  
CERTIFICATION

The Housing Authority of the City of Rock Hill, South Carolina (SC 22-02) has completed an assessment of its housing stock in accordance with the above listed regulations as contained in CFR 972.200; Required Initial Assessments, Subpart B, Conversion of Public Housing Developments, and has the following certification:

The Housing Authority hereby certifies that it has reviewed the developments operation as Public Housing, considered the implications of converting the public housing to tenant-based assistance and concluded that conversion of the developments would be:

- Inappropriate because removal of developments would not meet the necessary conditions for voluntary conversion as described in Section (b)(3)(ii) of this rule in that conversion would be more expensive to operate as tenant-based in lieu of continuing to operate the developments as public housing based on the current operating expense module of each program.
- Inappropriate in that it would not benefit current residents of the public housing developments and/or the community where the development is located, in that current maintenance and services provided by the PHA would not be financially feasible to provide due to the limited resources provided by the tenant-based program based on current approved budget.
- Inappropriate in the conversion would adversely affect the availability of affordable housing in the community by limiting that no new units would be made available as a result of this conversion and secondly, conversion would limit housing choice by other eligible applicants that may be seeking public housing accommodations under the conventional program.

This is to certify that the above statements and determinations are being made in accordance with current data available to the PHA from its records, budgets and knowledge of the local community housing preferences and available choices.

Certified this the 17th day of September, 2002.

By: Executive Director Jim Boyles  
Housing Authority of the City of Rock Hill

## PLAN FOR TENANT SECTION 8 VOUCHER DESIGNATION

The City of Rock Hill has established a designated area for economic revitalization called “Old Town Renaissance”. This plan calls for the revitalization of 8 historical textile mills for various new adaptive uses. Two of these mills have been designated for housing and the Highland Park Mill has been designated exclusively for affordable elderly housing. A brochure of the “Old Town Renaissance” plan is attached.

The City is providing Loans, Grants, and other forms of financial support to make this revitalization a success. In addition these historic buildings will have Historic Tax Credits that will supply a significant of equity for the substantial rehabilitation of these facilities. Because of these incentives the Highland Park Mill can be converted to affordable elderly housing, which is the most difficult type of affordable housing to develop because of the low rents of one bedroom units in relation to total development cost. Most developments proposed for Low Income Housing Tax Credits are family projects because the two and three bedroom rents make the developments feasible.

The Housing Authority of Rock Hill was asked to become an equity owner of the Highland Park Mill, LLC, the owner of the development. The Board of Directors approved the equity ownership position that was at no cost to the Authority. This membership allows us to carryout our mission of expanding the number of housing units that providing safe, decent affordable housing for qualified citizens of our community.

In addition the York County Council on Aging was offered the opportunity to also become an equity owner and are being provided 12,000 square feet of space for administrative offices and program space use. This means the services for financial and health counseling will be available to elderly tenants on site at Highland Park Mill. In additions such things as transportation services, meals on wheels, and opportunities for the tenants to remain active with volunteer work will also be available on site.

The Housing Authority recognizes that the Section 8 Housing Assistance Payments Contract for the 56-unit East Side Homes will be expiring in 2008. This property has been well maintained by the Authority, annually receiving management ratings of 98 and 99. However with the growth in the market the owners may wish to convert these apartments to market rate units and forego the opportunity to convert these units to tenant vouchers. These units have a very low cost per unit compared to today’s replacement cost and the mortgage has had 24 years of principal reductions. Therefore there is no assurance that this development will remain an affordable elderly housing project.

In addition several of the tenants have lived in East Side Homes for several years and would fall into the category of “Aging in Place”. These tenants would be better served at Highland Park Mill where the services of the York County Council on Aging would allow them the opportunity to remain tenants of Affordable Housing instead of Medicaid based nursing homes. Remaining Affordable Housing tenants is a considerable cost savings in social service costs to the Government.

Because of the above reasons, the Housing Authority of the City of Rock Hill would like to designate 84 Tenant Based Vouchers for the Highland Park Mill, LLC facility so that elderly individuals with low to moderate income will be able to occupy an affordable unit to meet their needs and to provide additional opportunities of assistance that would allow elderly citizens to live their remaining years in dignity and independence.

**MEMBERS OF THE RESIDENT'S COUNCIL:**

**PUBLIC HOUSING:**

Pauline Benfield - Pendleton/N. Confederate  
Vickie Tucker – Boyd Hill Community  
Gail Holmes – Boyd Hill Community (just transferred from Gordon Court)  
Rose Ann West – Keiger Street  
Amanda Mobley – Workman Street

**SECTION 8:**

Jimal Ellison  
Elizabeth Joseph

**RESIDENT'S COUNCIL MEETING --- AUGUST 23, 2002**

*None of the members recommended any changes to the Annual Plan, PHA Policies or leases.*

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**PUBLIC HEARING HELD FOR ANNUAL PLAN AND CHANGES TO LEASES AND  
ADMINISTRATIVE POLICIES**

A public hearing was held at 10:00 a.m. on Friday, August 23, 2002. No residents attended the hearing and no comments have been received concerning the posted Annual Plan, Administrative Plans or leases.

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## **DESCRIPTION OF IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENTS.**

In September 1999, all residents were advised by special mailing of the Community Work Service Policy and Community Work Service Requirements brought about by the *Quality Housing and Work Responsibility Act of 1998*. In October 2000, Community Work Service was incorporated into the Public Housing Dwelling Lease as a requirement for continued occupancy. The Community Work Service Policy was revised and approved at a Regular Meeting of the Board of Commissioners on June 18, 2001. After receiving notification from HUD, the Housing Authority chose to suspend enforcement of Community Work Service requirements in December 2001; suspension will remain until further notification or change of regulations is received.

## **PET POLICY**

As required by the *Quality Housing and Work Responsibility Act*, we have revised our Pet Policy and do allow pets in Public Housing complexes. After a survey of market-rent properties and other area local Housing Authorities, a similar policy was approved and adopted by our Board of Commissioners in September 2000. A copy of this Policy is available upon request.

The Housing Authority of the City of Rock Hill operates the following programs:

| <b>PROGRAM</b>  | <b>BRIEF DESCRIPTION</b>   |
|---|--|
| Public Housing  | 369 units of public housing.   |
| Section 8   | 430 vouchers, 81 Section 8 owned, Contract Administrator for 88 units.   |
| PHDEP   | Security services provided to all public housing complexes by Security Services of America. Boys & Girls Club on-site learning centers at two of the largest complexes and another club within close proximity of a ph complex and one housing Section 8 participants. Programs include Smart Moves, Drug Awareness, Teen Pregnancy Prevention, Homework Assistance and Computer Training. |
| Capital Fund Program  | Modernization of units, replacement of appliances and non-dwelling equipment, upgrade of computer equipment.   |
| Parent-Smart Program  | With Rock Hill School District 3, educational grant to prepare pre-schoolers for the education experience.   |
| Homeownership Program (Rock Hill Joint Ventures for Affordable Housing) | With the City of Rock Hill, refer eligible and interested residents and participants for homeownership program; a portion of down payment and closing costs are paid from CDBG funds for eligible recipients.  |
| The Glens   | Contract Administrator of unit based complex.  |
| North Central Family Medical Center                                     | Medical care provided to public housing residents, currently established on-site at Boyd Hill.   |

The Housing Authority of the City of Rock Hill has 369 public housing units in the following locations:

| <b>DEVELOPMENT NAME</b>                     | <b>NUMBER OF UNITS</b> | <b>AVERAGE ANNUAL TURNOVER</b> |
|---|------------------------|--------------------------------|
| 22-1: Workman Street Complex                | 79                     | 34                             |
| 22-2: Boyd Hill Complex                     | 104                    | 33                             |
| 22-2: Eastwood/Gordon/Cummings              | 28                     | 2                              |
| 22-2: Pendleton-Confederate Elderly Complex | 50                     | 6                              |
| 22-2: South Wilson Street                   | 13                     | 1                              |
| 22-2: Rock/Hampton                          | 5                      | 1                              |
| 22-5: Baskins Road Apartments               | 60                     | 4                              |
| 22-7: Great Falls Complex                   | 30                     | 5                              |
| <b>TOTAL PUBLIC HOUSING:</b>                | <b>369</b>             | <b>110</b>                     |
| NS8: Eastside Elderly Complex               | 56                     | 5                              |
| Section 8 Great Falls                       | 25                     | 5                              |

# **HOUSING AUTHORITY OF THE CITY OF ROCK HILL**

## **ORGANIZATIONAL CHART**

|                            |                          |  |                                       |
|----------------------------|--------------------------|--|---------------------------------------|
|                            | Board of Commissioners   |  |                                       |
|                            | Executive Director       |  |                                       |
| Maintenance Superintendent |                          | Assistant Director & Housing Inspector | Adm. Asst./ Public Housing Supervisor |
| Maintenance Secretary      | Security Services        | Occupancy Specialists- Section 8       | Occupancy Specialists- Public Housing |
| Maintenance Mechanics      | Resident Initiatives     | Section 8 Inspector                    | Applications Coordinator              |
| Crew Leaders               | Drug Elimination Program | Accounting Clerk                       | Clerk/ Receptionist                   |
| Crew Workers               | Program Monitoring       |  |                                       |
| Painters                   |                          |  |                                       |
| Custodial                  |                          |  |                                       |

# 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 SC16P02250103 FFY of Grant Approval: (01/2003)

Original Annual Statement For Fiscal Year 2003

| Line No. | Summary by Development Account                            | Total Estimated Cost |
|----------|---|----------------------|
| 1        | Total Non-CGP Funds                                       |                      |
| 2        | 1406 Operations   | 52,000.00            |
| 3        | 1408 Management Improvements                              | 10,000.00            |
| 4        | 1410 Administration                                       | 12,000.00            |
| 5        | 1411 Audit  | 500.00               |
| 6        | 1415 Liquidated Damages                                   | 0                    |
| 7        | 1430 Fees and Costs                                       | 20,000.00            |
| 8        | 1440 Site Acquisition                                     | 0                    |
| 9        | 1450 Site Improvement                                     | 10,000.00            |
| 10       | 1460 Dwelling Structures                                  | 368,945.00           |
| 11       | 1465.1 Dwelling Equipment-Nonexpendable                   | 36,000.00            |
| 12       | 1470 Nondwelling Structures                               | 0                    |
| 13       | 1475 Nondwelling Equipment                                | 20,000.00            |
| 14       | 1485 Demolition   | 0                    |
| 15       | 1490 Replacement Reserve                                  | 0                    |
| 16       | 1492 Moving to Work Demonstration                         | 0                    |
| 17       | 1495.1 Relocation Costs                                   | 0                    |
| 18       | 1498 Mod Used for Development                             | 0                    |
| 19       | 1502 Contingency  | 0                    |
| 20       | <b>Amount of Annual Grant (Sum of lines 2-19)</b>         | <b>529,445.00</b>    |
| 21       | Amount of line 20 Related to LBP Activities               | 0                    |
| 22       | Amount of line 20 Related to Section 504 Compliance       | 0                    |
| 23       | Amount of line 20 Related to Security                     | 0                    |
| 24       | Amount of line 20 Related to Energy Conservation Measures | 0                    |

**Annual Statement**  
**Capital Fund Program (CFP) Part II: Supporting Table**  
**Capital Fund Program Grant No. SC16P02250102**

| Development Number/Name<br>Housing Authority-<br>Wide Activities | General Description of Major Work<br>Categories | Development<br>Account<br>Number | Total<br>Estimated<br>Cost |
|--|---|----------------------------------|----------------------------|
| HA-Wide:   | Operations                                      | 1406                             | 52,000.00                  |
|  | Fees & Costs                                    | 1430.1                           | 20,000.00                  |
|  | <b>Administration</b>                           | <b>1410</b>                      | <b>12,000.00</b>           |
|  | Computer Upgrade                                | 1408                             | 10,000.00                  |
|  | Audit Costs                                     | 1411                             | 500.00                     |
|  | Maintenance Vehicle (1)                         | 1475                             | 20,000.00                  |
| 22-01  | Replace Cabinets & Countertops (32)             | 1460                             | 70,000.00                  |
|  | Replace Shrubs & Trees (75)                     | 1450                             | 5,000.00                   |
| 22-02  | Repair Bath Floor Tile                          | 1460                             | 10,945.00                  |
|  | Replace Cabinets & Countertops (32)             | 1460                             | 30,000.00                  |
|  | Replace Ranges & Refrigerators (60)             | 1465.1                           | 21,000.00                  |
|  | Replace Trees & Shrubs, (75)                    | 1450                             | 5,000.00                   |
|  | Install showers, (20)                           | 1460                             | 20,000.00                  |
| 22-05  | Install Air Conditioners (50)                   | 1460                             | 188,000.00                 |
| 22-07  | Install Air Conditioners (30)                   | 1460                             | 50,000.00                  |
|  | Replace Ranges & Refrigerators (30)             | 1460                             | 15,000.00                  |
| <b>TOTAL</b>   |   |                                  | <b>\$529,445.00</b>        |



**Annual Statement**  
**Capital Fund Program (CFP) Part III: Implementation Schedule**  
**Capital Fund Program Grant No. SC16P02250103**

| Development<br>Number/Name<br>HA-Wide Activities | All Funds Obligated<br>(Quarter Ending Date) | All Funds Expended<br>(Quarter Ending Date) |
|--|--|---|
| PHA-Wide   | 03/31/04                                     |   |
| 22-01  | 03/31/04                                     | 03/31/05                                    |
| 22-02  | 03/31/04                                     | 03/31/05                                    |
| 22-05  | 03/31/04                                     | 03/31/05                                    |
| 22-07  | 03/31/03                                     | 03/31/04                                    |

### 5-Year Action Plan for Capital Fund (Component 7)

| 5-Year Action Plan Tables |  |                  |                            |                  |                  |
|---------------------------|--|------------------|----------------------------|------------------|------------------|
| Development Number        | Development Name (or indicate PHA wide)    | Number of Units  | % Vacancies in Development |                  |                  |
| SC022                     | Housing Authority of the City of Rock Hill | 369              |                            |                  |                  |
|                           | Year 2003                                  | 2004             | 2005                       | 2006             | 2007             |
| 22-01                     | Annual Plan                                | \$175,000        | \$70,000                   | \$210,000        | \$160,079        |
| 22-02                     | Annual Plan                                | \$253,000        | \$315,000                  | \$175,000        | \$205,000        |
| 22-05                     | Annual Plan                                | \$30,000         | \$50,079                   | \$100,079        | \$49,366         |
| 22-07                     | Annual Plan                                | \$20,079         | \$30,000                   | \$0              | \$60,000         |
| PHA-Wide                  | Annual Plan                                | \$51,366         | \$64,366                   | \$44,366         | \$55,000         |
| <b>Grand Total</b>        |  | <b>\$529,445</b> | <b>\$529,445</b>           | <b>\$529,445</b> | <b>\$529,445</b> |

**5-Year Action Plan for Capital Fund (Component 7)**

**Part II: Supporting Pages – Work Activities**

**(See Annual Plan for Year 2003 Activities)**

| Development | Major Work Categories          | Estimated Cost<br>Year 2004 | Major Work Categories          | Estimated Cost<br>Year 2005 |
|-------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|
| 22-01       | Air Conditioners               | \$115,000                   | Air Conditioning               | \$55,000                    |
|             | Bath Floor                     | \$50,000                    | Bath Tubs                      | 15,000                      |
|             | Replace Lavatories             | 10,000                      |                                |                             |
|             |                                |                             |                                |                             |
| 22-02       | Cabinets & Countertops         | \$75,000                    | Install Showers                | \$75,000                    |
|             | Install Showers                | 50,000                      | Ranges & Refrigerators         | 15,000                      |
|             | Security Screen Doors          | 70,000                      | Replace Bath Tubs              | 50,000                      |
|             | Air Conditioners               | 58,000                      | Roofs                          | 175,000                     |
|             |                                |                             |                                |                             |
| 22-05       | Cabinets & Countertops         | \$30,000                    | Replace Water Heaters          | \$15,000                    |
|             |                                |                             | Floor Tile                     | 35,079                      |
|             |                                |                             |                                |                             |
| 22-07       | Cabinets & Countertops         | \$20,079                    | Replace Lavatories             | \$20,000                    |
|             |                                |                             | Replace Commodes               | 10,000                      |
| PHA Wide    | Ads & Legal                    | \$3,000                     |                                |                             |
|             | Fees & Costs                   | 10,000                      | Ads & Legal                    | \$4,000                     |
|             | Computer Upgrade               | 5,000                       | Fees & Costs                   | 17,366                      |
|             | Maintenance Vehicle            | 18,366                      | Computer Upgrade               | 10,000                      |
|             | Administration                 | 15,000                      | Maintenance Vehicle            | 18,000                      |
|             |                                |                             | Administration                 | 15,000                      |
|             |                                |                             |                                |                             |
|             | Total Estimated Cost-Year 2004 | \$529,445                   | Total Estimated Cost-Year 2005 | \$529,445                   |
|             |                                |                             |                                |                             |

**5-Year Action Plan for Capital Fund (Component 7)**

**Part II: Supporting Pages – Work Activities**

**(See Annual Plan for Year 2003 Activities)**

| Development | Major Work Categories          | Estimated Cost<br>Year 2006 | Major Work Categories          | Estimated Cost<br>Year 2007 |
|-------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|
| 22-01       | Air Conditioners               | \$100,000                   | Air Conditioners               | \$130,000                   |
|             | Security Screen Doors          | 110,000                     | Replace Windows                | 30,079                      |
|             |                                |                             |                                |                             |
| 22-02       | Cabinets & Countertops         | \$25,000                    | Air Conditioners               | \$130,000                   |
|             | Replace roofs                  | 150,000                     | Replace Windows                | 75,000                      |
|             |                                |                             |                                |                             |
| 22-05       | Replace Windows                | \$100,079                   | Replace Doors                  | \$49,366                    |
|             |                                |                             |                                |                             |
| 22-07       |                                |                             | Replace Doors                  | \$60,000                    |
|             |                                |                             |                                |                             |
| PHA Wide    | Ads & Legal                    | \$4,366                     | Ads & Legal                    | \$4,000                     |
|             | Fees & Costs                   | 15,000                      | Fees & Costs                   | 20,000                      |
|             | Computer Upgrade               | 10,000                      | Maintenance Vehicle            | 16,000                      |
|             | Administrative                 | 15,000                      | Administrative                 | 15,000                      |
|             |                                |                             |                                |                             |
|             | Total Estimated Cost-Year 2006 | \$529,445                   | Total Estimated Cost-Year 2007 | \$529,445                   |

INCOME TARGETING - DECONCENTRATION ANALYSIS FOR 22-02:

| INCOME RANGES:                                      | \$0 TO \$3000 | \$3001 TO \$6000 | \$6001 TO \$9000 | \$9001 TO \$12000 | \$12001 TO \$15000 | \$15001 TO \$18000 | \$18001 TO \$21000 | OVER \$21001 | TOTAL |
|---|---------------|------------------|------------------|-------------------|--------------------|--------------------|--------------------|--------------|-------|
| 22-02: 9/30/01 - # of Residents                     | 53            | 16               | 65               | 24                | 19                 | 9                  | 5                  | 6            | 197   |
| Percentages   | 26.9%         | 8.1%             | 33.0%            | 12.2%             | 9.6%               | 4.6%               | 2.5%               | 3.1%         |       |
| 22-02: 12/31/01 - # of Residents                    | 57            | 16               | 61               | 21                | 17                 | 10                 | 3                  | 7            | 192   |
| Percentages   | 29.7%         | 8.3%             | 31.8%            | 10.9%             | 8.9%               | 5.2%               | 1.6%               | 3.6%         |       |
| 22-02: 03/30/02 - # of Residents                    | 50            | 17               | 60               | 27                | 15                 | 12                 | 2                  | 8            | 191   |
| Percentages   | 26.2%         | 8.9%             | 31.4%            | 14.1%             | 7.9%               | 6.3%               | 1.0%               | 4.2%         |       |
| 22-02: 06/30/02 # of Residents                      | 46            | 23               | 63               | 26                | 17                 | 11                 | 1                  | 9            | 196   |
| Percentages   | 23.5%         | 11.7%            | 32.1%            | 13.3%             | 8.7%               | 5.6%               | .5%                | 4.6%         |       |
| <b>PUBLIC HOUSING APPLICATIONS ON WAITING LIST:</b> |               |                  |                  |                   |                    |                    |                    |              |       |
| Period Ending 6/30/02                               | 38            | 9                | 16               | 10                | 11                 | 10                 | 7                  | 2            | 103   |
| Income by % of PH Applicants:                       | 36.9%         | 8.7%             | 15.5%            | 9.7%              | 10.7%              | 9.7%               | 6.8%               | 2.0%         | 100%  |

22-02 is made up of several different properties, with the largest complex being Boyd Hill at 104 units; there is a total of 200 units in 22-02.

FROM PUBLIC HOUSING AND CONTINUED OCCUPANCY PLAN, Page 3, IV. DECONCENTRATION OF POVERTY AND INCOME MIXING:

The PHA will affirmatively further fair housing in its family (general occupancy) developments by endeavoring to maintain a relative mix/cross-section of income levels. The PHA will monitor on a continual basis the income mix of each of its “family” projects/communities. The PHA will utilize a dividing line of the average income.

Should it become necessary, the PHA may offer incentives to eligible families to locate in certain communities where a cross-section of income is not represented. The PHA will only utilize the waiting list “skipping” provisions of the regulations should it become critically necessary. Any waiting list skipping will be specifically documented in the resident’s file and on a waiting list control log.

## HOUSING AUTHORITY OF THE CITY OF ROCK HILL

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## **I. BACKGROUND AND ADMINISTRATION OF PROGRAMS**

The Housing Authority of the City of Rock Hill (PHA) was created to assist low-income families in obtaining decent, safe and sanitary housing at an affordable cost.

The Public Housing Program is administered according to the following applicable Federal Regulations, applicable HUD Handbooks, any pertinent state and local laws, and specific policies of the Housing Authority:

- Quality Housing & Work Responsibility Act of 1998
- Housing Act of 1937
- 24 Code of Federal Regulations Part 960
- 24 Code of Federal Regulations Part 8
- 24 Code of Federal Regulations Part 5

## **II. PLAN PURPOSE**

The purpose of this policy is to meet HUD requirements, establish local policies for program interpretation and the PHA's discretionary areas, aid the staff in program procedures to ensure consistency, and provide program information (in an understandable format) to applicants and/or families. It is not the intent of this plan to replace and/or cite all Federal Regulations verbatim, but to summarize and support the regulations and program Handbooks.

## **III. TARGETING & OUTREACH TO FAMILIES**

During the PHA's fiscal year, not less than 40 percent of the families admitted to the PHA's public housing program from the PHA waiting list shall be extremely low-income families (incomes below 30% of the area median income). If admissions of extremely low-income families to the PHA's voucher program during the fiscal year exceeds the Section 8 program's targeting requirements (minimum of 75%), such excess may be credited, subject to HUD's limitations, against the public housing targeting requirement. The PHA will maintain necessary data and records for compliance monitoring.

Special outreach efforts may be necessary when the number of families on the waiting list is insufficient to maintain the leasing schedule or to attract groups that are not adequately represented in the assisted families such as the elderly or male heads of

household or for targeting and deconcentration requirements.

The following sources shall be used by the PHA for outreach to families:

Announcements, news articles, paid advertisements that serve the PHA's jurisdictional areas;

Public Service announcements on local television and radio stations;

Contact and coordination with local human service agencies that serve the PHA's jurisdictional areas;

Special presentations, as necessary, developed for local churches or other civic organizations; and

Coordination with the City and/or Community Development Departments.

#### **IV. DECONCENTRATION OF POVERTY AND INCOME MIXING**

The PHA will affirmatively further fair housing in its family (general occupancy) developments by endeavoring to maintain a relative mix/cross-section of income levels. The PHA will monitor on a continual basis the income mix of each of its "family" projects/communities. The PHA will utilize a dividing line of the average income.

Should it become necessary, the PHA may offer incentives to eligible families to locate in certain communities where a cross-section of income is not represented. The PHA will only utilize the waiting list "skipping" provisions of the regulations should it become critically necessary. Any waiting list skipping will be specifically documented in the resident's file and on a waiting list control log.

#### **V. PRIVACY OF APPLICANT/FAMILY INFORMATION**

In accordance with Federal laws and regulations, PHAs must determine family income and obtain other necessary information to determine an applicant's eligibility, unit size, and income for purposes of calculating the family's rent. The Housing and Community Development Act of 1987 requires applicants and program participants to submit the social security numbers of all household members.



The PHA may conduct a computer match to verify the information provided. This information may be released to appropriate Federal, State, and local agencies, when relevant, and to civil, criminal or regulatory investigators and prosecutors. The information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. All requested information must be provided, including evidenced verification of all social security numbers for each family member.

Failure to provide any of the requested information shall result in a delay or rejection of an applicant's eligibility approval.

## VI. DEFINITIONS

Act. Quality Housing & Work Responsibility Act of 1998 (QHWRA) and Housing Act of 1937.

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

Adult. A household member who is 18 years or older or who is the head of household, or spouse, or co-head.

Adjusted Income. Annual gross income less any adjustments permitted by Federal Regulations. See 24 CFR Part 5, Section 5.611.

Allowances. HUD approved deductions from annual gross income to determine adjusted income.

Annual Contributions Contract (ACC). A contract (in the form prescribed by HUD) for loans and contributions, which may be in the form of grants, whereby HUD agrees to provide financial assistance and the PHA agrees to comply with HUD requirements for the development and operation of a public housing complex, or to cover housing assistance payments and other expenses for tenant-based programs.

Annual Income. See Attachment. Defined in 24 CFR Part 5, Section 5.609.

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

Assets. See definition for Net Family Assets.

Asset Income. Income received from assets held by family members. If assets total more than \$5,000, income from the asset income and imputed asset income is counted in annual income.

Assistance Applicant: For the Public Housing Program: A family or individual that seeks admission to the program.

Assisted Lease (or "Lease"). A written agreement between an owner and a family for the leasing of a unit by

the owner to the family with assistance payments under a Housing Assistance Payments (HAP) contract between the owner and the PHA.

Childcare expenses. Allowable deduction from annual gross income. See Attachment.

Ceiling Rent. Maximum rent determined and set by some PHAs.

Certificate. A document issued by a PHA to a family selected for admission to the rental certificate program. The certificate describes the program, and the procedures for PHA approval of a unit selected by the family. The certificate also describes the obligations of the family under the program.

Certificate or Voucher holder. A family holding a voucher or certificate with unexpired search time.

Certificate program. Rental Certificate program.

Citizen. A citizen (by birth or naturalization) or national of the United States.

Community Service. The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

Complex for elderly families. A complex for elderly families is a complex or portion of a complex to which regulations for housing assistance apply that was designated for occupancy by the elderly at its inception (and that has retained that character) or, although not so designated, for which the PHA gives preference in tenant selection (with HUD approval) for all units in the complex (or for a portion of the units in the complex) to elderly families.

Continuously assisted. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

Contract Rent. The total amount of rent specified in the Housing Assistance Payment Contract as payable to the owner by the family and/or by the PHA on the family's behalf.

Cooperation Agreement. An agreement between a PHA and the applicable local governing body or bodies which assures exemption from real and personal property taxes, provides for local support and services for the development and operation of a public housing complex, and provides for PHA payments in lieu of taxes.

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

Covered Housing. Public housing, project-based assistance under section 8 (including new construction and substantial rehabilitation projects), and tenant-based assistance under section 8.

Covered Person. A tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Credible Evidence. Evidence of drugs found in the dwelling unit, evidence, which is tied to the drug activity, arrest, warrant issued, drug raids, or arrest, or conviction for such activity.

Decent, safe and sanitary. Housing is decent, safe, sanitary and in good repair if the requirements of the federal regulations are met.

Deductions. Federally mandated allowable deductions from annual gross income. See Attachment.

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

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

Disabled person. See Person with Disabilities and Handicapped Person.

Disabled Family: a family whose head, spouse or sole member is a person with disabilities.

Disallowance: Exclusion from annual income.

Displaced Person. A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized under federal disaster relief laws.

Displacement by inaccessibility of unit. An applicant is involuntarily displaced by inaccessibility of a unit if:

(1) A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit; and

(2) The owner is not legally obligated to make changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation.

Displacement as a result of HUD disposition of units. Involuntary displacement includes HUD disposition of multifamily rental housing complex under Section 203 of the Housing and Community Development Amendments of 1978.

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

Drug. A controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

EO Plan. Equal Opportunity Housing Plan. The EO plan establishes PHA policies for implementing civil rights requirements.

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

**Effective date.** The effective date of an examination or reexamination refers to (a) in case of an examination for admission, the effective date of initial occupancy, and (b) in the case of reexamination of an existing resident, the effective date of the redetermined total tenant payment.

**Elderly family.** A family whose head or spouse (or sole member) is an elderly or disabled person. It may include two or more elderly or disabled persons living together, or one or more of these persons living with one or more live-in aides.

**Elderly person.** A person who is at least 62 years of age.

**Elderly family.** A family whose head, spouse or sole member is a person who is at least 62 years of age.

**Eligible families.** Low income families who are eligible for admission to the public housing program.

**Eviction.** The dispossession of the tenant from the lease unit as a result of the termination of the tenancy, including a termination prior to the end of a term or at the end of a term.

**Exempt Individual.** (As related to Residents Who Must Perform Community Work Service Activities or Self-Sufficiency Work Activities): An adult who: (1) Is 62 years or older; (2)(i) Is a blind or disabled individual, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions; or (ii) Is a primary caretaker of such individual; (3) Is engaged in work activities; (4) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; or (5) Is a member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

**Extremely Low-income family.** A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

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

**Family.** Defined in 24 CFR 5. Family includes but is not limited to: (a) a family with or without children; (b) an

elderly family; (c) a near-elderly family; (d) a disabled family; (e) a displaced family; (f) the remaining member of a tenant family; and (g) a single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. See 24 CFR 5.403.

Family members. Any household members except live-in aides, foster children and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD 50058.

Family Self-Sufficiency (FSS) Program. A program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the U.S. Housing Act of 1937.

Family unit size. The appropriate number of bedrooms for a family. Family unit size is determined by the PHA under the PHA occupancy standards or subsidy standards.

Flat Rent. A rent for Public Housing units as determined and set by PHAs that a family may choose to pay in lieu of an income-based rental amount.

Fraud. Intentionally providing false, incomplete or inaccurate information on an application, recertification form, or failure to report all sources of income received by the family.

Full-time student. A person who is carrying a subject load that is considered full-time under the standards and practices of the educational institution attended. An education institution includes a vocational training school with a diploma or certificate program, as well as an institution offering a college degree; a person who is attending school or vocational training on a full-time basis.

Gross rent. The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance.

Guest. A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Handicapped person (This definition is to be used for purposes of maintaining nondiscrimination practices in program accessibility (see 24 CFR 8.3); see Person with Disability definition for purposes of defining disability).

Includes any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. This term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(a) Physical or mental impairment includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genito-urinary, hemic and lymphatic skin;

and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(C) Has a record of such means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation.

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

(See also definition for "Qualified individual with Handicap").

Head of Household. The head of household is the person who assumes legal and moral responsibility for the household.

Household. Head of household and PHA-approved household members which may include a PHA-approved live-in aide.

Housing Assistance Payment ("HAP"). The payment made by the PHA to the owner of a unit under lease by an eligible family, as provided in the contract, in accordance with Federal Regulations. The payment is the difference between the contract rent and the tenant rent. An additional payment is made by the PHA to the family when the utility allowance is greater than the total tenant payment. In the case of a family renting only a manufactured home space, the HAP is determined in accordance with the Federal Regulations.

Housing Assistance Payment 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.

Housing Assistance Plan. A local housing assistance plan approved by the field office meeting the requirements of the community development block grant regulation (24 CFR 570) whether or not the unit of general local government submitting the plan is a participant in the block grant program.

Housing Quality Standards "HQS". Program requirements for housing standards established by HUD and any variations established by the PHA and approved by HUD.

Imputed Asset. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Imputed Asset Income. Calculation used when assets exceed \$5,000.00, e.g., HUD passbook rate x total

cash value of assets.

Imputed Welfare Income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent. (See HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Income Based Rent. An income-based rent is a tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

Incremental Units. The number of budgeted certificate units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance.

INS. The U.S. Immigration and Naturalization Service.

Income Deductions. See Deductions Attachment.

Income limits. HUD established very low-income and low-income limits that are used to determine if assisted housing program applicants qualify for admission to HUD-assisted programs. These income limits are based on HUD estimates for area median family income (using Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas as defined by the Office of Management and Budget (OMB), and the Bureau of the Census definition of family) with specific statutorily permissible adjustments. If the income limits based on this approach would be less than if based on the relevant State non-metropolitan median family income level, income limits are based on the State non-metropolitan family income level.

Landlord. Either the owner of the property or his/her representative or the managing agent or his/her representative as shall be designated by the owner.

Law Enforcement Agency. The National Crime Information Center (NCIC), police department and other law enforcement agencies that hold criminal conviction records.

Lease. A written agreement between an owner (including a PHA) and a family for the leasing of a housing unit. Section 8 programs require an Addendum to the Lease (that contains mandatory language) if an owner's lease is used which must be incorporated into any lease or attached to the lease.

Live-in aide. A person approved by the PHA who resides with an elderly person or disabled person and who agrees to abide by the rules and regulations of the PHA and:

- (1) Is determined by the PHA to be essential to the care and well being of the person.
- (2) Is not obligated for the support of the person **and whose income is not considered in calculating the resident's rent.**
- (3) Would not be living in the unit except to provide necessary supportive services.
- (4) Cannot be considered as a remaining family member.

**(5) *Cannot be a sibling and/or immediate family member.***

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose annual incomes does not exceed 80 percent 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 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

Major Life Activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Medical expenses. Allowable deductions from annual gross income for certain types of program participants. See Attachment.

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

Monthly adjusted income. One-twelfth of adjusted annual income.

Monthly income. One-twelfth of annual income.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Near elderly family. A family whose head or spouse (or sole member) is at least 50 years of age but below the age of 62 years.

Net family assets. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and the equity in a housing cooperative unit or in a manufactured home in which the family resides. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under 24 CFR 5, Subpart F.)

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

Noncitizen. A person who is neither a citizen nor a national of the United States, and is not eligible for housing assistance unless eligible immigration status has been provided (evidenced by supporting documentation) in one of the following categories:

- (1) A noncitizen who has been lawfully admitted to the U.S. for permanent residence, as defined by



the Immigration and Nationality Act as an immigrant (includes special agricultural workers who have been granted lawful temporary resident status).

(2) A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as an exercise of discretion by the U.S. Attorney General.

(3) A noncitizen who is lawfully present in the U.S. pursuant to an admission under refugee status, asylum status, or as a result of being granted conditional entry because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity.

(4) A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the U.S. Attorney General for emergent reasons or for reasons deemed strictly in the public interest under parole status.

(5) A noncitizen that is lawfully present in the U.S. as result of the Attorney General's withholding deportation for threat of life or freedom.

(6) A noncitizen lawfully admitted for temporary or permanent residence under amnesty (Section 245A of the INA).

Noncitizen Student. Housing Assistance (including continued assistance, prorated assistance or temporary deferral of termination of assistance) is prohibited to all noncitizen students (including spouses or minor children) who have a residence in a foreign country that the person has no intention of abandoning; are a bona fide student qualified to pursue a full course of study; and are admitted to the U.S. temporarily and solely for purposes of pursuing such a course of study, particularly designated by such person and continually approved by the U. S. Attorney General.

Occupancy standards. Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions. See definition of "family unit size."

Other Person Under Tenant's Control. A person, although not staying as a guest (see definition of guest) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Owner. Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing. See the Annual Contributions Contract for the types of prohibited or conflict of interest owners. (2) The owner of federally assisted housing.

PHA. Public housing agency or authority. Also referred to as HA. A State, county, municipality or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). "PHA" and "HA" mean the same thing.

PHA jurisdiction. The area in which the PHA is not barred and is legally permitted to operate under State law.

Participant. A family that has been admitted to the PHA's certificate or voucher program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract

executed by the PHA for the family (first day of initial lease term). (2) For the Public Housing program: A family or individual that is assisted under the program.

Payment standard. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the PHA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

Person with Disability.

1. Means a person who:

(i) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423);

(ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

(A) Is expected to be of long-continued and indefinite duration;

(B) Substantially impedes his or her ability to live independently; and

(C) Is of such a nature that ability to live independently could be improved by more suitable housing conditions; or

(iii) has developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

2. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (1937 Act).

3. For purposes of qualifying for low income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and

4. Means "individual with handicaps", as defined in Section 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Permanent Replacement Housing. Housing that is decent, safe, and sanitary; that is adequate for the family size; and that the family is occupying pursuant to a lease or occupancy agreement. (This term is used in defining eligibility for involuntarily displaced persons who may have received shelter after being displaced and before receiving rental assistance).

Pre-adjustment Rent. Rent to an owner that does not include any previously approved special adjustments.

Premises. The building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Preponderance of Evidence. Evidence which is of greater weight or more convincing than the evidence which

is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.

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

Probation: A period of leniency in lieu of termination extended to a resident/participant after lease or HAP violations have occurred or the preponderance of evidence indicates that violations have occurred during which time the resident/participant is put on notice that additional violations can bring about termination of assistance.

Processing Entity: the person or entity that that is responsible for making eligibility and related determinations and an income reexamination. (In the Section 8 and public housing programs, the “processing entity” is the “responsible entity.”

Proper Reporting Method: When a resident has a change in income to the household (including but not limited to, income that may be exempt from rent calculation) or a change in family composition, he or she will report such change to the office within ten days of such change, make an appointment and come in to the office to complete the necessary third-party verification forms that are required by HUD so that the proper amount of rental assistance or rent subsidy for the family can be calculated.

Public Housing: Housing assisted under the 1937 Act, other than under Section 8. “Public housing” includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating assistance.

Rental Agreement: All agreements, written or oral, between the landlord and tenant (and valid rules and regulations adopted by the landlord pursuant to a written agreement relating to the use and occupancy of a dwelling unit and surrounding premises.

Resident Advisory Board: Board of Public Housing residents and Section 8 participants formed to assist the PHA in operational and policy changes.

Residency preference. A preference for admission of persons who reside in a specified geographic area.

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

Qualified Individual with Handicap. (See 24 CFR Part 8.3). With respect to any non-employment program or activity which requires a person to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Housing Authority can demonstrate would result in a fundamental alteration in its nature; or with respect to any other non-employment program or

activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

Ranking preference. A preference used by the PHA to select among applicant families that qualify for a preference.

Reasonable Rent. A rent to owner that is not more than either:

- (1) Rent charged for comparable units in the private unassisted market; or
- (2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

Remaining Family Member. A member of a family listed on the lease who continues to live in an assisted unit after all other family members have left. Live-in-aid is specifically excluded from qualifying as a remaining member of the family unless their name has been included on the lease and any income included for rent calculation purposes. Any remaining family members that are minors must have an adult (over the age of 18 years) that qualifies under the selection criteria listed herein.

Rent. See Tenant Rent and Total Tenant Payment.

Rental certificate. Certificate.

Rental certificate program. Certificate program.

Rental voucher. Voucher.

Rental voucher program. Voucher program.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible Entity: (1) For the public housing program, the Section 8 tenant-based assistance program and the Section 8 project-based certificate or voucher programs and the Section 8 moderate rehabilitation program, responsible entity means the PHA administering the program under an ACC with HUD; (2) For all other Section 8 programs, responsible entity means the Section 8 project owner.

Service Requirement. Except for any family member who is an exempt individual, each adult resident of public housing must: (1) Contribute 8 hours per month of community service (not including political activities); or (2) Participate in an economic self-sufficiency program for 8 hours per month; or (3) Perform 8 hours per month of combined activities as described in paragraphs (1) and (2) of this section.

Single person. A person who lives alone or intends to live alone, and who does not qualify as an elderly family or displaced person or as the remaining member of a tenant family.

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

Specified Welfare Benefit Reduction. (1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. (2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency: (i) at expiration of a lifetime or other time limit on the payment of welfare benefits; (ii) because a family member is not able to obtain employment, even though the family member has complied with welfare economic self-sufficiency or work activities requirements; or (iii) because a family member has not complied with other welfare agency requirements. (See Imputed welfare income and HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Spouse. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

Standard, permanent replacement housing. Decent, safe and sanitary housing, adequate for the family size, and housing that the family is occupying pursuant to a lease or occupancy agreement. Standard, permanent replacement housing does not include transient facilities (such a motels, hotels, or temporary shelters); or in cases of domestic violence, the housing unit in which the applicant, and the applicant's spouse or other member of the household who engages in such violence, live.

State Landlord and Tenant Act. Any state statute or local ordinance which imposes obligations on a landlord and tenant in connection with the occupancy of a dwelling unit and surrounding premises and which provides that violations of such obligations by the tenant constitute grounds for eviction.

SWICA. State Wage Income Collection Agency.

Tenant-based. Rental assistance that is not attached to the structure.

Tenant rent. The amount payable monthly by the family as rent to an unit owner (including a 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, Tenant Rent equals Total Tenant Payment less the utility allowance. Total tenant payment does not include charges for excess utility consumption or other miscellaneous charges.

Total Tenant Payment. Total income-based tenant payment shall be **the highest** of the following, rounded to the nearest dollar:

- (1) Thirty percent (30%) of the monthly adjusted income;
- (2) Ten percent (10%) of monthly income;
- (3) Minimum rent as set by PHA from \$0 to \$50.00;

(4) Ceiling rent as set by PHA for Public Housing;

**OR**

(5) Flat rent as set by PHA for Public Housing.

Unit. Dwelling unit.

United States Housing Act of 1937. (1937 Housing Act). The basic law that authorizes the public and Indian housing programs, and the Section 8 programs. (42 U.S.C. 1437 et seq.).

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Tenant Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, under 24 CFR 5, of the monthly cost of a reasonable consumption of such utilities and other services (excluding any allowance for air-conditioning as required by HUD) for the unit by an energy-conservation household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. (This definition is not used in the Section 8 Voucher program, or for a public housing family that is paying a flat rent.)

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish very low-income limits higher or lower than 50 percent 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.

Violent Activity. Any behavior or activity exerted or displayed so as to cause damage, abuse, intimidation or injury; vehemence of feeling or expression or rough, aggressive action.

Violent activity or violent criminal activity. Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Waiting list admission. An admission from the PHA waiting list.

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

Welfare assistance. (for purposes of the FSS program only) income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance **does not include:** (1) Nonrecurrent, short-term benefits that: (i) Are designed to deal with a specific crisis situation or episode of need; (ii) Are not intended to meet recurrent or ongoing needs; and (iii) Will not extend beyond four months. (2) Work subsidies {i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training}; (3) Supportive services such as child care and transportation provided to families who are employed; (4) Refundable earned income tax credits; (5) Contributions to, and distributions from, Individual Development Accounts under TANF; (6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic

income support; (7) Transportation benefits provided under a Job Access or Reverse Commute project to an individual who is not otherwise receiving assistance; (8) Amounts solely directed to meeting housing expenses; (9) Amounts for health care; (10) Food stamps and emergency rental and utilities assistance; and (11) SSI, SSDI, or Social Security.

Work Activities. See definition at section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

## VII. FAIR HOUSING AND EQUAL OPPORTUNITY HOUSING POLICY

### A. Fair Housing

In accordance with the following regulations, the PHA will not on account of race, color, creed, sex, disability status, familial status, or national or ethnic origin deny to any family the opportunity to apply or receive housing assistance. Selections will be made in accordance with the applicable requirements included herein.

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations 24 CFR Part 1 and Title VIII of the Civil Rights Act of 1968, as amended;

2. The Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations at 24 CFR parts 100, 108, 109 and 110.

3. Executive Order 11063 on Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, 59 FR 2939 (1994) (implementing regulations at 24 CFR part 107).

4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR Part 8;

5. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR Part 146; and

6. Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213) to the extent applicable.

Selections will be made in accordance with the selection criteria consistent with HUD's affirmative fair housing objectives and are included herein.

The PHA will post on the applicant/resident information bulletin board the telephone number for the HUD Office of Fair Housing and Equal Opportunity (FHEO) toll-free hotline - (800-424-8590).

### B. Equal Opportunity Housing Plan

In addition to the Fair Housing and Equal Opportunity Housing efforts specifically indicated throughout this policy the PHA will affirmatively further fair housing goals and comply with equal opportunity requirements by the following actions:



1. By adoption of this policy, compliance by the Housing Authority with all fair housing and equal opportunity regulations and requirements, is certified.
2. Encouraging owners to make suitable units located outside areas of poverty or racial concentration available for leasing in the program to provide participants with the broadest geographical choice in selection.
3. Provide available information and assist any applicants and/or participants if they believe discrimination has occurred to include provision of a Housing Discrimination Complaint form (HUD-903).
4. Recruitment and equal opportunity employment practices will be utilized to attract and recruit qualified minority applicants for any vacancies.

#### C. Reasonable Accommodation

The PHA will include procedures in the application, reexamination, interview, and eviction process to ensure that applicants and/or participants are aware of their opportunity to request reasonable accommodations. Should any applicant or participant indicate the need for reasonable accommodations, the PHA will make available to them a Request for Reasonable Accommodation form. It is the policy of the PHA to make every effort possible to provide reasonable accommodations for persons with disabilities when such requests are reasonable, economically, financially and administratively feasible

The HA will utilize reasonable accommodations practices for any applications received by handicapped individuals especially those involving sight or hearing impaired applicants.

The HA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person. Reasonable accommodations for application or updates will be provided to disabled (mobility impaired or hearing impaired) applicants.

Any and all decisions granting or denying requests for reasonable accommodations will be in writing.

### **VIII. APPLICATIONS AND ELIGIBILITY**

#### A. Applications

Applications must be made in person at the Rock Hill PHA's office on Wednesdays as posted or announced, unless the waiting list is closed. Applications may be made in person at the Great Falls office on Wednesdays or as posted or announced, unless the waiting list is closed. Accommodations for elderly or disabled (mobility or hearing impaired) individuals will be made, e.g., use of Power of Attorney authorizations or by special appointment.

Applications will be accepted from all applicants; names of approved applicants will be placed on the waiting list by date and time of application. Applicants will be given general information concerning the housing assistance program at the initial application time. At the time that PHA is selecting applicants from the waiting list to receive assistance, applications will be updated, information verified to determine continued eligibility, and selections will be made based on the selection criteria outlined later in this Plan.

The PHA will utilize reasonable accommodations practices for any applications received by persons with disabilities especially those involving sight or hearing impaired applicants. A Telecommunication Device for the Deaf (TDD) will be made available for hearing impaired applicants.

Each applicant will be screened and evaluated based on landlord references, credit record, police records, history of any drug-related or substance abuse, owing a balance to HUD-assisted agencies, and suitability/ability to live in a public housing complex.

## B. Eligibility Requirements

1. Applicants must be a citizen or national of the U.S. or an eligible, qualified noncitizen (see Definitions, Section V of this plan) in accordance with HUD Regulations. Program participants must be income eligible based on gross income (see Attachment 1 for income inclusions and exclusions) that is below HUD's published extremely low, very-low or low income limits. Low-income families can be admitted to communities that reached Date of Full Availability (DOFA) before October 1, 1981, and to assist the PHA with vacancy problems, commitment to attaining a broad range of incomes, or avoiding displacement in a complex acquired by the PHA.

2. PHAs with fewer than 250 total public housing units may, if there are no eligible families on the waiting list and after advertising (30 day notice), offer units to families above applicable income limits.

3. The PHA will determine the income eligibility by comparing the family's annual gross income to the HUD-established very low or low-income limit for the area. The applicable income limit for selection purposes is the highest income limit for the family unit size for the areas in the housing authority's jurisdictions.

4. Head-of-Household applicants must be 18 years of age or older to be eligible for assistance.

5. Past participants in the Section 8 program and/or former Public Housing residents of any PHA who failed to satisfy liability to a PHA for unpaid rent or damages, or any past participant in any Federal program that has committed any fraud, may be denied the opportunity to apply for housing assistance until all unpaid amounts are paid in full. The PHA reserves the right to deny housing assistance to any applicant because of any negative actions during a previous tenancy.

6. As a part of eligibility and/or continued assistance, the PHA will enforce HUD's "**One Strike, You're Out**" procedures. Criminal background checks (to include all adult family members and live-in-aides) will be done by either obtaining copies of records or requiring the family to furnish such copies of criminal records. The PHA may deny admission to any applicant whose screening results indicate that they or any member of their family may have a detrimental effect on the community or conducts or has conducted any activity (including any criminal activity, violent activity, alcohol or drug/substance use, possession or distribution or related criminal activity, the manufacturing of Methamphetamine (speed), or sex offense activity) that may affect the health, safety, or right to peaceful enjoyment of the premises of other tenants or compromise program integrity that could lead to a diminished demand for assisted housing by families who will adhere is lease responsibilities. Consideration shall be given to the nature, extent, and elapsed time of the applicant's conduct and to the probability of favorable future conduct. Such detrimental effects may include but are not limited to the following:

a. The PHA will determine an applicant ineligible if any member of the family is a person who was arrested, charged or evicted because of a drug-related criminal activity from housing assisted under the 1937 Housing Act program. Consideration will be given by the PHA in determining denials or terminations of assistance for such use or possession by a family member, if the family member can demonstrate that he or she: (1) has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such impairment; and (2) is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use, possession or

distribution of drugs to submit evidence or participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit, and may require supporting evidence that the individual has remained drug-free for a substantial period of time (to be determined by the PHA). The PHA reserves the right to deny eligibility if there is reasonable doubt of the rehabilitation in order to protect the health, safety and/or right to peaceful enjoyment of the premises by other residents or PHA staff. Any family that has a family member who has a lifetime registration under a State Sex Offender Registration program or has been arrested or convicted of manufacturing or producing methamphetamine (speed), rape or arson in a Public Housing or Section 8 assisted property or any other property is denied eligibility for life.

b. Police records, landlord reports of disturbances, destruction of property, or drug-related/substance use or abuse, possession or distribution, alcohol use or abuse, or any type sexual misconduct or any applicant who has been charged with any Level 1 or Level 2 crimes, etc. will be denied the privilege of applying for housing for five years from the date of arrest or conviction.

c. A record of past poor living habits or poor housekeeping habits, including alcohol abuse.

d. Any other activity that could adversely affect the safety and welfare of other public housing residents.

e. Credit history including unpaid utility bills, bankruptcy, damage claims or other amounts due current or previous landlords.

f. Conviction of any applicant for rape, drug-related charges, arson or First Degree Murder will be a permanent denial of assistance.

## 7. Family Composition

a. A family may be a single person or a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in-aides is a family (see Definition of live-in-aide). Family is also defined as one or more persons related by blood, marriage or operation of the law, one of whom shall be an adult (age 18 or older) who will live regularly together in the unit (including foster children), or persons who can verify a stable relationship, e.g., common law marriages as recognized by the State of South Carolina, or

a relationship that has existed for a reasonable period of time (one year or more).

b. A family includes a family with a child or children.

c. A single person may be:

i. An elderly person.

ii. A displaced person.

iii. A disabled person.

iv. A single, pregnant female (physician certification may be required).

v. Any other single person.

d. Dependents must meet the HUD definition of dependent, have evidence of the family's residence as their legal residence, and/or in cases where the head-of-household is in the process of obtaining custody and/or adopting an individual under the age of 18, guardianship documentation or evidence of reasonable likelihood of success must be provided. Copies of tax returns that indicate the "claiming" of a dependent may be required. A child who is temporarily (less than 90 days) away from the home because of placement in foster care is considered a member of the family. In cases of joint custody arrangements, the child/children can be considered a member of the family if the applicant or family has continuous custody for more than six (6) months of the year.

e. A family may be remaining family members provided that the person(s) are not minors, that the children have not been removed from the home because of abuse or neglect, that the resuming Head of Household was not the perpetrator of spousal abuse, and that the resuming Head-of-household meets the PHA selection criteria and would be a responsible participant of the program. This includes a single female whose pregnancy is terminated after admission. Any remaining family members that are minors must have an adult (over the age of 18 years) that qualifies under the selection criteria listed herein and the adult must provide legal guardianship documentation in order to be designated as a Head-of-household. This determination shall be made at the discretion of management and will be made based on the history of responsible participation in the program. A temporary Head-of-

household designation can in no way be construed as a permanent Head-of-household.

8. Eligibility screening may include, when deemed necessary, an applicant's capability of living independently and abiding by the terms of the lease as determined by the PHA (taking into consideration any resources available in support of the applicant family).

## **IX. WAITING LIST ADMINISTRATION, VERIFICATION REQUIREMENTS, AND INELIGIBILITY/DENIALS**

### **A. Waiting List Administration**

1. The PHA must select participants in accordance with this policy, adhere to the Fair Housing and Equal Opportunity regulations, and meet HUD targeting and deconcentration requirements. The waiting list must contain the following for each applicant: Applicant name; City and/or County designation; family unit size (number of bedrooms for which family qualifies under PHA occupancy standards); date and time of application; qualification for any preference; and racial or ethnic designation of the head of household.

2. The waiting lists will be updated periodically and names will be removed from the waiting list for failure to respond to requests for information, application updates (failure to notify the PHA of a change of address), or if correspondence is returned from the Post Office. If the applicant did not notify the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the updated request. If the letter is returned by the Post Office with a forwarding address noted, the PHA will resend the letter. Applicants will be given five (5) working days to return the notice of continued interest.

The PHA will utilize reasonable accommodations practices for any applications received by disabled individuals. The PHA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person.

3. The PHA will maintain its waiting lists according to bedroom sizes and the order of admission from the waiting list will be based on family size or the unit size for which the family qualified under the PHA occupancy policy. Selections will be made as indicated in Section X of this plan. Should the PHA receive funding for a specified category of families, the PHA must select applicant families in the specified category.

4. A separate waiting list will be maintained for Public Housing and the Section 8 program. If the waiting list for the Section 8 or Public Housing program is open, applicants must be offered the opportunity to have their name placed on either list. The PHA will not remove the applicants' name from other waiting lists unless the applicant has made a request to remove their name (in writing), or in the event of failure to respond as indicated above).

5. The waiting list may be closed to new applications when it is determined that there is an adequate pool of applicants and is so large that the applicants are not likely to be housed in a reasonable length of time (more than one year).

6. Reopening of the waiting list will be by public notice in a local newspaper of general circulation and minority media indicating that families may apply for housing assistance. The notice will comply with the HUD-approved Equal Opportunity plan and with HUD Fair Housing requirements (will include notice for persons with disabilities in plain language and indicate the telecommunications device telephone number). The notice will state any limitations on who may apply for available slots in the program. The PHA may advertise for specific types of applicants such as those qualifying for a preference and may include in the advertisement that applications from others (not in these categories) will not be accepted.

#### B. Verification Requirements

1. Income and deductions will be verified by third-party verification or the PHA must document in the file why third party verification was not available. Verification forms will be sent by mail or fax to the appropriate third party with a request that the form be returned by mail or fax. In the event that verification is not possible due to unwillingness by source to respond or that the information is not returned within a four-week period, staff will be required to note the file accordingly and obtain third-party oral verification. Staff will use a documented contact form for telephone verifications. Notarized statements will be used as a last resort.

2. The PHA will make every attempt not to utilize verifications that are greater than 120 days old.

3. Social Security number verifications are mandatory for all program participants. Acceptable verification includes: valid social security cards; an identification card issued by a Federal, State or local agency, employer; medical insurance agency; earning statements from employment; IRS form 1099; or benefit award letters from government agencies. See Section V in the event of failure to provide requested SSN verification.

4. Copies of birth certificates or other documentation as designated by the PHA for all family members must be made available. Birth certificates must be provided for all members of the family under age 18; a valid driver's license or pictured identification issued by Department of Motor Vehicles can be accepted as



date-of-birth verification if a birth certificate is not obtainable for adults over age 18. Certification of citizenship forms must be executed by participants of the program.

### C. Ineligibility and Denial of Assistance

The application will be reviewed and any ineligible applicants will be promptly notified in writing. The notice will provide the reason for the decision and an opportunity to request an informal review of the decision as specified in this plan.

Past participants in the Section 8 program and/or former Public Housing residents of any PHA who failed to satisfy liability to a PHA for unpaid rent or damages, or any past participant in any Federal program that has committed any fraud, may be denied housing assistance until all unpaid amounts are paid in full. The PHA reserves the right to deny housing assistance to any applicant because of any negative actions during a previous tenancy with any Housing Authority.

Persons with disabilities will be informed of the reasons for rejections and/or terminations of assistance and will be informed in "plain" language of an opportunity to claim mitigating circumstances. The PHA retains the right to require additional information reasonably needed to verify such mitigating circumstances, and refer such information to persons qualified to evaluate evidence and verify the mitigating circumstances. Such inquiries will be limited to the information necessary to verify a reasonable accommodation. Physician's statements may be required including appropriate tests to determine applicant's ability to live independently and care for the unit without risking the health and safety of other residents, including the ability to maintain sanitary living conditions.

The PHA will enforce HUD's "**One Strike, You're Out**" procedures and will deny admission to any applicant whose screening results indicate that they or any member of their family may have a detrimental effect on other tenants or on the public housing community or the integrity of the program. Consideration shall be given to the nature, extent, and elapsed time of the applicant's conduct and to the probability of favorable future conduct. Such detrimental effects may include but are not limited to the following:

1. The PHA will determine an applicant ineligible or deny admission whose screening results indicate that:
  - a. They or any member of their family is a person who was arrested, charged or evicted as a result of a drug/substance abuse, use, possession or distribution or related criminal activity from housing assisted under a 1937

Housing act program.

b. They or any family that has a family member who has a lifetime registration under a State Sex Offender Registration program or has been convicted of manufacturing or producing methamphetamine (speed) in a Public Housing or Section 8 assisted property will be denied eligibility for life.

c. They or any member of their family may have a detrimental effect on the community or conducts or has conducted any activity that may affect the health, safety, or right to peaceful enjoyment of the premises of other tenants.

d. Consideration shall be given to the nature, extent, and elapsed time of the applicant's conduct, probability of favorable future conduct, if the family member can demonstrate that he or she: (1) has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such impairment; and (2) is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence or participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit, and may require supporting evidence that the individual has remained drug-free for a substantial period of time (to be determined by the PHA). The PHA reserves the right to deny eligibility if there is reasonable doubt of the rehabilitation in order to protect the health, safety and/or right to peaceful enjoyment of the premises by other residents or PHA staff.

2. Police records, landlord reports of disturbances, destruction of property, or drug-related/substance use, possession or distribution or any such abuse activities. A person will be denied eligibility if there is a pattern of abuse of alcohol that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or if integrity of the program may be compromised.

3. A record of poor living habits or poor housekeeping habits.

4. Any other activity that could adversely affect the safety and welfare of other public housing residents or cause a diminished demand for public housing.

5. Credit history including unpaid utility bills or amounts owed to other landlords.

6. Any misrepresentation of applicant information will be considered grounds for

denial of program participation or termination of assistance.

## X. TENANT SELECTIONS, ASSIGNMENTS AND EXCEPTIONS

Selections will be made in a non-discriminatory manner to assure a broad range of incomes and meet HUD's deconcentration requirements within each community, meet HUD's targeting requirements, maintain the financial stability of the community, promote the health, safety and welfare of other residents, and avoid concentration of the most economically deprived families.

The PHA will not reject an applicant because of any disability or for any reason that could be overcome by reasonable accommodation of the applicant's disability. The PHA retains the right to reject applicants if with the provisions of reasonable accommodation, essential program requirements cannot be met. Reasonable accommodation may not cause undue financial and/or administrative burdens or require an alteration in the fundamental nature of the PHA's housing units. In the event that some form of service (not available to other residents) is necessary for compliance with the lease, the applicant/family with the disability will be required to provide documentation that the service will be provided by others at no cost to the PHA.

**The PHA will utilize a three-offer plan in offering a suitable unit to an applicant family. Units at the location containing the most vacancies will be offered. If the first and second offers are refused, the applicant's name will be dropped to the bottom of the waiting list. The applicant will be removed from the waiting list after a rejection of three offers of apartments in two different locations (complexes). The Executive Director may make exceptions to the three-offer policy in extenuating circumstances that would result in a hardship to the applicant and/or family.**

Once an offer has been made, a family will be given no more than twenty-four (24) hours in which to accept or reject the offer. The family will pay a non-refundable security deposit of \$25.00, which is required to hold the unit for the family, that will determine acceptance of a unit. The remainder of the security deposit and first month's rent is due and payable at lease-up. The PHA may grant additional time to pay a security deposit in unusual circumstances.

The PHA may adopt a local preference based on income range and will not use a ranking preference based on income range. In the event that an admission is made based on income range, the PHA will count the admission towards the local preference limit, if applicable (50% of annual admissions).

### A. Selections

Offers for housing assistance will be taken from the waiting list as follows based on the priority order and having the oldest date and time of application (\* see below):

(1) Applicants that have a local preference as designated by the PHA in either of the following categories:

(a) Non-assisted elderly, near-elderly, or disabled applicants over other applicants.

(b) Non-assisted applicants that are being displaced due to government action or fire that was not intentionally set by a member of the family.

**(c) Applicant families who have income to the household over other applicants with no income to the household.**

(d) Applicant families who work or reside in the Housing Authority's jurisdictional area (for Rock Hill applicants: Rock Hill and its zip codes and Catawba Township; for applicants in Great Falls: Great Falls and its zip codes) over other applicants.

(2) All others by the oldest date and time of application.

B. Exceptions to the Order of Selection:

The PHA reserves the right to offer special incentives and/or skip applicants in a non-discriminatory manner in order to meet HUD's mandated targeting and deconcentration requirements for selection purposes or in the event that the Housing Authority is unable to maintain financial stability.

Applicants will be notified should the applicant be found to be ineligible for assistance, variance in the determination of bedroom size as indicated on the original application, or misrepresentation on the application. Applicants will be notified in writing of such determinations and given the opportunity to request an informal hearing. Applicants request for a hearing must be in writing and delivered to Management at its central office. Any appointment requested by Applicant and not kept or not rescheduled prior to the time of the arranged appointment will waive their right to a hearing, unless it is proven that a verifiable emergency existed at the time of the missed appointment.

## **XI. APPLICATION UPDATES, OCCUPANCY STANDARDS, INCOME INCLUSIONS/DEDUCTIONS, INCOME CALCULATIONS, AND LEASE-UP**

A. Application Updates:

Applicants will be given a written notice as their name nears the top of the waiting list to submit updated information and indicate their continued interest in public housing. If the updated information request is not returned within ten (10) days, the applicant's name will be dropped from the waiting list, the application will be placed inactive, and other selections will be made.

B. Occupancy standard/unit size will be determined at the time of enrollment based on the following criteria:

1. The smallest unit size consistent with program requirements and Housing Quality Standards to avoid under or over occupied units unless the PHA has significant vacancies in one or more communities.

2. The bedroom size assigned will not require more than two persons to occupy the same bedroom.

3. The PHA shall make every attempt to assign persons of different sex and generation separate bedrooms (other than husband and wife).

4. The PHA shall make every attempt not to require children to share a bedroom with a single parent.

5. Selection preference will be granted to elderly, near-elderly or disabled applicants for vacancies in housing designated for elderly or disabled families.

6. Bedroom size assignments may be made in accordance with HUD guidelines as follows:

| No. Of Bedrooms | Minimum Person(s) | Maximum Person(s)* |
|-----------------|-------------------|--------------------|
| 0               | 1                 | 2                  |
| 1               | 1                 | 2                  |
| 2               | 2                 | 4                  |
| 3               | 3                 | 6                  |
| 4               | 4                 | 8                  |
| 5               | 5                 | 10                 |

Exceptions to these standards will be permitted only for situations involving a live-in-aid, physician orders for separate bedrooms because of health problems, or permitted circumstances of family members temporarily away from the housing unit. The PHA

reserves the right to approve or disapprove such accommodations that may lead to unsafe or overcrowded conditions. The PHA also reserves the right to assign only participants who qualify as elderly or near-elderly to units designated as elderly units.

Should the applicant refuse the offer of assistance, their application will be so noted, and their name will be placed at the bottom of the waiting list. The PHA reserves the right to waive any provision of this policy to meet emergency or hardship conditions, and such exceptions shall not be related to race, color, creed, sex, disability status, familial status or national origin.

A live-in-aide as defined in "Definitions" must be approved using the same criteria used for applicants, must abide by the same obligations and requirements as residents pertaining to the lease, plans and policies, and must sign a separate document that contains the terms and conditions of occupancy in the unit.

### C. Income Inclusions, Exclusions and Deductions

Income inclusions, exclusions and deductions (as required and permitted by Federal Regulations) for rent calculation purposes are set forth in Attachment 1 of this plan.

**NOTE:** *Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement will not have their rent reduced based on the welfare benefit reduction (excludes persons that benefit is reduced due to a lifetime limit or where a family has complied with program requirements but cannot obtain employment). The PHA will obtain verification of such benefit reduction from the welfare agency. See 24 CFR 5.615 for specific HUD instructions on necessary calculations of imputed welfare income and specified welfare benefit reductions.*

Total tenant payment (gross family contribution) for rent will be in accordance with Federal Regulations, as follows:

Flat rent as set by the PHA (NOTE: No utility reimbursement is given for families choosing flat rents);

The PHA has elected not to establish Ceiling Rents.

### **OR**

Income based rents for a total tenant payment (based on income) to be the highest of the following, rounded to the nearest dollar:

- (1) Thirty percent (30%) of the monthly adjusted income; or
  - (2) Ten percent (10%) of monthly income; or
  - (3) Minimum rent, if applicable and set by the PHA (indicated on the attached Total Tenant Payment Schedule).
- See also provisions for Minimum Rent. Exceptions \* indicated below.

\* MINIMUM RENT EXCEPTION

Statutory provisions, Section 507:3(a)(3)(B) of the QHWRA, provide the following exceptions to the minimum rent requirements:

1. A family may request an exception (which must include reasonable documentation) to the minimum rent based upon temporary financial hardship due to the following circumstances:

- A. The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;
- B. The family would be evicted as a result of the imposition of the minimum rent requirement;
- C. The income of the family has decreased because of changed circumstance, including loss of employment;
- D. A death in the family has occurred; and
- E. Other circumstances determined by the HA or HUD.

2. The HA shall immediately suspend or discontinue the family's requirement for payment of a minimum rent upon the family's request for hardship exemption and the suspension shall continue until a determination is made on whether the hardship exists and/or if the hardship is *temporary* or *long-term*.

3. If the HA determines that the hardship is *temporary*, the minimum rent remains imposed (including back payment for minimum rent from the time of suspension).

4. Should a family request and qualify for such exception after October 21, 1998 and the financial hardship occurred prior to adoption of this policy, the HA will reimburse the resident by providing a refund or otherwise offset future rent payments.

5. Should the HA determine that there is no hardship, a minimum rent is imposed retroactively to the time of the suspension. The HA must offer a reasonable repayment



agreement for any back-payment due by the family. The family cannot be evicted for nonpayment during the 90-day period commencing on the date of the family's request for exemption of minimum rent in excess of the tenant rent otherwise payable.

*\*Note: The Housing Authority's minimum rent is currently \$0.00.*

#### D. Income Calculations

For families that have chosen income based rents, income will be based on the anticipated total income from all sources (unless indicated on the Income Exclusions Attachment to this Policy) including net income derived from assets (actual and/or imputed) received by the participant family for the 12-month period following the effective date of initial determination or re-examination/re-certification or any subsequent ruling by HUD concerning Income Inclusions or Exclusions.

In the event that it is not feasible to anticipate income for a 12-month period, the PHA may use the annualized income anticipated for a shorter period of time, or in the event an anticipated amount cannot be determined (such as for temporary or seasonal employees) the income can be determined by using the previous 12-month period.

#### E. Lease-Up

Leasing appointments will be scheduled and applicants will be notified of the date and time. Should the applicant notify the PHA of their inability to be present at the enrollment session, the PHA will provide a rescheduled time; however, failure to notify the Housing Authority prior to the enrollment session (lease-up appointment) on the part of the applicant will result in removal of their name from the waiting list. As indicated in Section IX, Waiting List Administration, applicant names will be removed from the waiting list for failure to notify the PHA of a change of address.

All information including income, income from assets, eligible deductions, family composition, preference status (if applicable), and other screening information will be verified and reviewed prior to scheduling the briefing and enrollment (lease-up) appointment.

All applicants will execute and be given a Federal Privacy Act Notice. The information provided will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the requested information may result in a delay or rejection of eligibility approval.

## **XII. INSPECTIONS, HOUSING QUALITY STANDARDS, MAINTENANCE CHARGES**

All housing units must have a move-in, move-out and at least an annual inspection. Units must pass the Housing Quality Standards/UPCS as set forth in the Federal Regulations.

### **A. Inspection Schedule**

Annual inspections will be conducted for residents with acceptable housekeeping and no abuse problems. More frequent inspections may be conducted in the event of unacceptable housekeeping or abuse problems.

The management department will maintain an inspection schedule and will generate letters for inspections for all annual inspections and special inspections.

Notices of inspection letters will specify a range of up to one week as to the inspection date. A representative from maintenance and/or management will conduct inspections. The resident, if available, will be required to sign the completed inspection form and a copy will be provided. The inspectors must indicate on the form when a resident was not available for signature.

### **B. Move-in and Move-out Inspections**

Move-in and move-out inspections will be conducted in the presence of the resident (when possible). Residents will be required to sign the move-in or move-out inspection form when present.

### **C. Inspection Failures**

Failed inspections due to poor housekeeping or resident abuse will require the following notices:

First inspection and notice - failed inspection items, and date of reinspection. Notice of housekeeping consultation date. Failure to correct deficiencies may result in lease termination.

Second reinspection and notice -failed inspection items. Thirty (30) day notice to vacate may be issued.

Residents failing two consecutive inspections or two inspections within a six-month period

may be issued a thirty (30) day notice for violation of HQS.

D. Resident Abuse, Damages and Maintenance Charges

In the event of resident abuse to a unit, repairs will be made by maintenance and charges assessed to the resident according to the tenant charge schedule. When abuse is evident, a resident may be required to attend a scheduled conference in order to prevent lease termination. Repeated abuse will result in lease termination regardless of payment.

An installment agreement for payment of the charges may be allowed with payment arrangements not to exceed ninety (90) days and as approved by Management. Charges from a move-out inspection will be deducted from the resident's security deposit as indicated in Section XIII. **Should the Security Deposit not cover the move-out charges, the tenant will be expected to promptly pay the remaining balance. Balances to accounts that remain unpaid may be subject to a set-off of any future state tax refund through the Debt Set-Off program.**

**Tenants who transfer from one unit to another will be expected to promptly pay any move-out charges on the unit vacated. Should the charges exceed what the tenant can reasonably be expected to pay, a Repayment Agreement may be entered into. Tenants who do not pay the move-out charges within a timely manner or do not enter into a Repayment Agreement will be issued notice of termination of assistance.**

E. Special Inspections

Management may schedule special inspections if there are circumstances that warrant an inspection, i.e., excessively dirty unit during a routine work-order or pest control services, etc. Adequate notice of the inspection will be provided and the procedures set forth in this Section will be followed.

### **XIII. LEASES, SECURITY DEPOSITS, UTILITIES AND RESIDENT-OWNED BUSINESSES IN UNITS**

#### **A. Lease:**

The PHA maintains a standard form lease and resident rules and regulations that must be executed prior to move-in. The lease must contain the names of all members of the household and shall be signed by the head-of-household and spouse (if applicable) or other household member over the age of 18.

New leases must be executed for all unit transfers. Notices of rent adjustment will be attached to the lease as rental changes are made. An amendment/rider or a new lease must be executed for all other changes to tenant status except for rent adjustments.

Transfers will not be considered for residents whose utility accounts cannot be transferred to the new unit (utility companies will not transfer accounts that are in arrears.) Utility accounts must be in the name of the head-of-household and utilities must be on and operable at all times. Should the head-of-household leave the unit and assistance is requested to be transferred to a remaining eligible family member, utilities must be placed in the name of the new head-of-household; the PHA reserves the right to make all appropriate checks and verifications as is required of a new applicant before approving the transfer of assistance. The vacating head-of-household may give permission for the unit security deposit to be transferred to the new head-of-household or the new head-of-household will be required to pay security deposit for the unit before a new lease is executed.

Schedules of special charges for services, maintenance repairs, utilities, and rules and regulations will be posted on the office bulletin board. These schedules may be amended from time to time with at least thirty (30) days notice to the residents by either posting on the bulletin board or mailed directly to each resident. An opportunity for resident comment will be provided.

#### **B. Security Deposits**

Each family/program participant is required to pay a security deposit as determined by the PHA and set forth in the Lease. A non-refundable portion of the security deposit (\$25.00) must be paid by the resident(s) prior to occupancy to hold the vacant unit. The remainder of the security deposit along with the first month's rent must be paid at time of lease up unless special circumstances exist and the Executive Director has granted prior approval. Security deposits are equal to the first month's rent or the minimum established

by the Housing Authority according to the table listed below, whichever is greater.

| Bedroom Size:  | Minimum Security Deposit: |
|----------------|---------------------------|
| Eff. & One B/R | \$100                     |
| Two B/R        | \$100                     |
| Three B/R      | \$125                     |
| Four B/R       | \$150                     |
| Five B/R       | \$175                     |

Any interest earned on security deposits held by the PHA will not be distributed to residents vacating public housing units.

Security deposits will be returned to the tenant after move-out if the following conditions are met:

1. There are no unpaid rents, damages or other charges (beyond normal wear and tear) assessed and owed to the PHA by the family.
2. The apartment, equipment and yard have been left in clean and all trash and debris have been removed.
3. All keys issued to the family are turned in to Management upon vacating the apartment.
4. Resident has given Management a written thirty (30) day notice to vacate the unit. Any security deposit amount paid by the resident will be forfeited unless the required notice to vacate is provided to Management. Failure to provide the required thirty (30) day notice to Management can result in the tenant being charged rent for the thirty (30) day period, or until the unit is re-leased.

#### C. Utilities.

Residents are required to pay utility bills and utilities must be on at all times, up to the time when resident vacates the unit and returns the dwelling keys to Management. Utility accounts must be in the name of the head of household. The PHA will review annually and update, as necessary, a utility allowance schedule to be used for computing utility allowances for families under an income-based or ceiling rent.

Families that have chosen a flat rent will not be given a utility reimbursement in accordance with HUD regulations.

#### D. Resident Business Operation in Public Housing Units

Residents must request, in writing to the PHA, prior approval to operate a business in a Public Housing leased unit. The request must include a detailed summary of the business activities (to include estimated traffic of clientele), license requirements (business, health, etc.), zoning ordinances, and utility consumption. The PHA reserves the right to approve or disapprove any business proposal that could cause damage to the unit, affect the PHA's insurance coverage, interfere with or cause disturbances with the residential community, or in any way affect the health, safety, or right to peaceful enjoyment of the premises by other residents.

If a business is approved, the resident must agree to the base rate for utility consumption and will be responsible for excess utilities (total consumption minus hours of operation). Additionally, the resident must provide evidence of liability insurance coverage.

#### XIV. RENT COLLECTION POLICY AND PROCEDURES

It is the policy of the HA to require all residents to make prompt payment of all amounts due under the lease agreement. The resident's failure to pay all or any portion of the amount due shall constitute grounds for termination of the resident's lease.

##### A. Payment

Payments must be paid at the HA's designated bank in Rock Hill. Personal checks may be accepted for regular rental payments that are mailed to the HA. Only cashiers checks or money orders will be accepted at initial occupancy (no personal checks will be accepted). The postmark date of the mail will be considered the receipt date of the payment for any payments that are mailed.

##### B. Late Payment and Charges

The rent and other charges due (to include but not limited to court costs, attorney's fees, uncontested maintenance charges, etc.) will be considered late if payment is not made in full on or before the 5th day of the month. **If rent and other charges due under the lease (maintenance charges, court costs, attorney's fees, etc.) are not paid on or before the fifth (5th) day of each month, a penalty for late payment in the amount of \$10.00 will be charged; accounts that are still unpaid on the 16th day of the month will incur an additional \$10.00 late fee (a total of \$20.00 late fees for accounts not paid by the 16th); the landlord may collect a fee of \$20.00 any time a check is not honored for payment (bounces). Residents who fail to make full payment of the amount due on or before the fifth (5th) day of the month will be subject to the following procedures: 1.) On the 6th day of the month, the resident will be given a fourteen (14) day notice of termination of the lease. If rent and other charges due under the lease are not paid fourteen (14) days from the date of the notice, the lease is terminated. 2.) After the 14-day period, an Order and Rule will be filed in the local Magistrate's Court, to include all unpaid rent and other charges due under the lease. 3.) After the Order and Rule is served, a Writ of Ejectment is processed by the local Magistrate's Court for all unpaid amounts. 4.) After the Writ of Ejectment is served, arrangements will be made with the Sheriff's office to set out the resident. If Resident is late in paying the rent due under this Lease three (3) times during any consecutive twelve (12) month period, Resident will be advised, in writing, by a representative of Management that this repeated failure to pay rent and other charges due under the lease when due has been determined by Management to be a repeated violation of a material term of the Lease under Section 11 and that further late payments may result in termination of the Lease.** Personal checks will not be

accepted by the HA from any resident after two incidents of bad checks.

### C. Payment Disputes

Should a resident have a dispute over an amount due for rent or other charges indicated on the monthly statement, the resident must notify the HA in writing prior to the fifth (5th) day of the month. A dispute does not excuse the resident from making timely payment and will not avoid the imposition of a late charge (see also Grievance Procedure). Any part of the amount due which is not subject to dispute must be paid in a timely manner to avoid any additional administrative charges.

### D. Partial Payments

Partial payments of undisputed rent are not generally accepted. The HA may in extenuating circumstances allow partial payment of rent or grant an extension for payment of rent. If a payment is accepted by the HA in an amount less than the full amount due for maintenance charges, late fees, etc., such payment shall be first credited to rent and the remaining amount, if any, applies to charges other than rent.

### E. Deferred Payments

The HA may grant the privilege of paying installment payments for a time period to be determined by the HA for payment of retroactive rent, large repair bills, or for other circumstances that are approved by the Executive Director.

### F. Habitual Late Payments

Any resident receiving four notices of late payment in any twelve-month period during the term of the lease will be determined to be in repeated violation of the lease; this may result in termination of the lease and ejection action.

### G. Notice of Termination of Lease and Eviction Procedures

Residents who fail to make full payment of the amount due on or before the fifth (5th) day of the month will be subject to the following procedures:

- I. On the 6th day of the month, the resident will be given a fourteen (14) day notice of termination of the lease to run congruently with a five



day notice (as required by SC State Landlord Act). If the rent is not paid after 5 days, terminations proceedings will begin.

2. If rent has not been paid after the 14-day period expires, a Notice to Show Cause will be filed in the local Magistrate's Court, to include all unpaid rent and other charges.
3. After the Notice to Show Cause is served, a Writ of Ejectment is processed by the local Magistrate's Court for all unpaid amounts.
4. After the Writ of Ejectment is served, arrangements will be made with the Sheriff's office to set out the resident.

#### H. Reinstatement of Lease

A lease which has been terminated as a result of the failure of the resident to make timely payments of the amount due may be reinstated in the event of extenuating circumstances and if all amounts are paid in full (including all late charges, attorney's fees, serving fees and court costs). The decision to reinstate any lease is a matter solely within the discretion of the HA and is not the automatic right of any resident under any circumstances.

#### I. Balances due by Vacated Residents

Any amounts that are not paid by residents who terminate their lease or their lease has been terminated by the PHA and leave unpaid balances will have thirty (30) days from the date of the Statement of Security Deposit Settlement to pay amounts due or make arrangements for payment. Accounts will be turned over to the State Department of Revenue and may be turned over to an Attorney for collection after the thirty (30) day period.

## **XV. TERMS AND CONDITIONS OF CONTINUED OCCUPANCY**

### **COMMUNITY WORK SERVICE**

As a part of continued occupancy in Public Housing, in addition to complying with the terms and conditions of the Regulations, the Lease and this Occupancy Policy, each

adult Public Housing member of a family, unless exempted by the PHA and HUD Regulations, must contribute eight (8) hours per month of voluntary community service or participate in an economic self-sufficiency program for eight (8) hours per month, **when so required by HUD regulations. Failure to comply with applicable community work service requirements** is grounds for nonrenewal of the lease at the end of the twelve-month lease term.

Exempt individuals from such community service are as follows:

- (1) An adult that is 62 years or older;
- (2) An adult that is blind or disabled individual as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416 (i)(1); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions; or is the primary caretaker of such individual;
- (3) An adult who is engaged in work activities (see definitions);
- (4) Meets the requirements for being exempted from having to engage in a community work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State, including a State-administered welfare-to-work program; or
- (5) An adult member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

The PHA must provide a written notice to the family on any noncompliance with the community service requirements. Such notice must describe the noncompliance and indicate nonrenewal of the lease at the end of the twelve-month lease term. The PHA must permit any adult family member to enter into a written agreement with the PHA, in the form and manner required by the PHA, to cure such noncompliance. Should the family not cure the noncompliance in accordance with the agreement, the PHA will again notify the family of nonrenewal of the lease, unless the family can provide written assurance satisfactory to the PHA that the family member no longer resides in the unit.

Individuals are required to provide to the PHA acceptable evidence to substantiate an exemption status including (but not limited to) medical certifications, employment verifications, approved Welfare-to-Work (or other approved State-funded program)

participation. Any self-certification by disabled individuals must contain "fraud certifications". Tenants who fail to provide the required documentation will not be eligible for exemption status until all required verifications and/or documentation has been provided..

All notices must contain language that the family may request a grievance hearing on any PHA determination and may exercise any available judicial remedy.

## **CONTINUED OCCUPANCY**

Residents may be required to provide evidence that he or she is able to continue living independently and able to maintain a decent, safe and sanitary environment. The PHA retains the right to require additional information reasonably needed to verify such mitigating circumstances, and refer such information to persons qualified to evaluate evidence and verify the individual's ability to live independently. Such inquiries will be limited to the information necessary to verify same. Physician's statements may be required and may include appropriate tests to determine applicant's ability to live independently and care for the unit without risking the health and safety of other residents, including the ability to maintain sanitary living conditions.

## XVI. TERMINATIONS OF ASSISTANCE

The tenant may terminate the lease by providing the PHA with thirty (30) days written notice as defined in the lease.

Termination of assistance may occur for serious or repeated violations of the lease or failure to fulfill the Tenant's obligations set forth in the lease, violations of HUD's "**One Strike, You're Out**" procedures, or for other good cause. Grounds for termination of assistance may include but are not limited to the following:

- a. Action or inaction by the participating family or violation of family obligations under the lease, rules, and/or regulations to include failure to report any and all changes, according to proper reporting procedures, in family composition and/or family income within ten (10) days of the change. (See Definitions: Proper reporting method.)
- b. If a family member has committed any fraud or has made willful misrepresentations in income, assets, or family composition in connection with any federally housing assistance program, or has made material false statement or fraud in connection with an application for assistance or with reexamination of income.
- c. The family has violated any participant obligation or breached any agreement such as vacating a unit without notice requirements and/or failure to reimburse any HUD-assisted agency for amounts owed under any housing assistance program.
- d. Violent activity, violent criminal activity or alcohol or drug-related activity, drug use, possession or distribution by any member of the participant family or guest, on or off the premises, including the manufacturing or production or methamphetamine (speed). The PHA will use its discretionary privileges under the program in determining whether or not termination includes all or specific family members. The PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in drug-related criminal activity or violent activity or other criminal activity regardless of whether the family member has been arrested or convicted. Any person who has a lifetime registration under a State Sex Offender Registration program or has been convicted of manufacturing or producing methamphetamine (speed) in any HUD- assisted property or any other

property will be terminated from the program and denied eligibility for life.

e. Failure to continuously occupy the unit under lease for more than 30 consecutive days or 60 consecutive days with medical documentation.

f. Allowing any unauthorized person(s) to visit or live in an assisted unit beyond a visitor period (subject to PHA approval) not to exceed 14 days in a 12-month period or allowing unauthorized person(s) to use the unit address for mailing purposes, legal documents, telephone listings, furniture rental agreements, utility billings, etc.

g. Failure of any participating family member, or guest under the family's control, to conduct themselves in a manner that would adversely affect the decent, safe, and sanitary requirements of the program or hinder the peaceful enjoyment by other area residents, guests, visitors or employees of the PHA or any activity (included, but not limited to, drug or alcohol use/abuse, drug use, possession or distribution, violent activity, criminal activity, sexual misconduct, etc.) or any activity that may compromise program integrity or that could lead to a diminished demand for assisted housing by families who will adhere to lease responsibilities.

h. Failure to make payments due under the Lease.

i. Engaging in any abusive or violent behavior or making threats of any abusive or violent nature towards any PHA employee or any other resident or guest of any household.

j. Failure or violation of the lease agreement while on probationary status. In lieu of terminating assistance for lease violations, the Housing Authority reserves the right to place residents/participants on probationary status for up to six months. Probationary status is a period of leniency in lieu of termination extended to a resident/participant after lease or HAP violations have occurred or the preponderance of evidence indicates that violations have occurred, during which time the resident/participant is put on notice that additional violations can bring about termination of assistance.

k. **Failure to vacate a public housing unit after executing a "notice to vacate" form; and, in cases when a Public Housing resident has accepted a Section 8 Voucher, the resident must execute an affidavit included in the Housing Authority's Section 8 Briefing packet and**

**vacate the unit as required under Section 7 of the Lease or within the timeframe specified in the Notice to Vacate form.**

l. *Noncompliance of New Community Service and Self-Sufficiency Requirements for Public Housing* as outlined in the QHWRA and subsequent Federal Regulations.

m. Failure to maintain utilities in the dwelling unit; utilities must be on and operable at all times and the utility accounts must be in the name of the leaseholder/head-of-household. Utilities must be kept on and operable up until resident returns the dwelling keys to Management; utility accounts discontinued by the resident before keys are returned to Management will be billed to the resident as a move-out expense or deducted from the apartment security deposit.

All housing terminations will be made in accordance with the Federal Regulations, State and local laws, and the PHA's Grievance Policy.

## **XVII. RECERTIFICATIONS, TYPES OF RENT, INTERIM CHANGES, AND LIMITATIONS ON HOUSEHOLD SIZE**

### **A. Recertifications/Reexaminations**

Families may choose, at annual recertification, to have their rent based on income or chose the PHA's flat rent (or ceiling rent, if applicable). Families must be given sufficient written information by the PHA to be able to make an "informed choice" of rental methods. Sufficient information must include the following:

1. The PHA's policy on switching type of rent in circumstances of financial hardship;
2. The dollar amounts of tenant rent under each option. If a family chose flat rent for a previous year, the PHA must provide the family with the amount of the income-based rent for the subsequent year if the rent was based on income or if the family specifically requests the information.

An appointment for recertification will be given. If participants fail to keep a scheduled appointment, a work-in schedule will be available or a second appointment will be given. Failure to keep scheduled appointments to recertify will be deemed as inaction by the participating family and a violation of the family's obligations and is grounds for termination of assistance, unless the family can provide written evidence of an emergency that caused the missed appointment.

Families will be provided with a "Rent Adjustment" form at the end of the reexamination that will indicate changes in rent.

The PHA must determine compliance with community service and self-sufficiency requirements once each twelve (12) months for all families that have nonexempt individuals, when same is required by HUD.

### **B. Types of Rent**

#### **1. Income-based Rent**

Income based rent is calculated based on income of the family from all sources (see Attachment to this Policy for Income Inclusions, Exclusions, and Deductions). All families that have chosen to be on income-based rent or a ceiling rent (if applicable for the PHA) must be recertified at least annually or more often as required by the PHA.

## 2. Flat Rent

Flat rents are determined solely by the PHA. Families that have chosen flat rents must have family composition reexamined at least annually, and must have income reexamined at least once every three years. The PHA may choose to reexamine income more than once every three years if the PHA deems it necessary for any reason.

Families that indicate a financial hardship may request to be reexamined and return to income-based rent at any time during the three-year period. The PHA must immediately allow the family to be placed on income-based rent and the PHA shall make the rent determination within a reasonable time after the family makes the request. The family may not return to a flat rent until the next regular reexamination period for the family.

The PHA defines "financial hardship" as follows:

1. The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family/loss of a family member, or reduction in or loss of earnings or other assistance;
2. The family has experienced an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
3. Such other situations of financial hardship as determined by the PHA.

### C. Interim Changes

A family may request an interim reexamination of family income or composition because of any changes since the last determination. The PHA must make the interim reexamination within a reasonable time after the family request.

Families, regardless of the method of rent chosen, must report all changes in family income (except regular increases in wages at the same job or periodic increase in government benefits), any additions or deletions of household members, and deduction changes (such as child care) within ten (10) days from the date of change. Failure to follow proper reporting procedures may result in termination of the Lease as set forth in this Policy and/or criminal prosecution if it is deemed that the failure to properly report was with fraudulent intent.

Interim adjustments will be made to correct any management errors, which may have occurred under the initial certification or for any subsequent reexaminations.



Corrections resulting in a decrease in rent will be retroactive to the effective date of the move-in or the reexamination. Rent corrections which result in an increase in rent shall go into effect the first day of the month following the end of the 30 day written notice of such increase.

Interim adjustments for families on *income-based* rent will be made for annual income increases of only more than \$1,560.00.

For all changes that occur prior to the 25<sup>th</sup> of a month that result in a decrease of the family's total tenant payment, an interim adjustment must be made and will become effective the first of following month after the family reports the change. Should the PHA fail to receive written verification of the occurrence which caused the decrease in rent within thirty (30) days, the prior rent amount will be reinstated the first of the following month and will remain in effect until verification is received.

Increases in rent will become effective the first of the month following 30 days of income increase and notification by the PHA to the family. In cases of a family's failure to report income increases, **the rent change will be made retroactive to the date the rent would have changed under proper reporting methods. Proper reporting methods are considered to be the tenant/participant notifying the Housing Authority within ten days of any change in income, including but not limited to income that may be exempted from rent calculation, or changes in household composition, coming in to the office at the appointed time to complete the required reporting and documentation procedures.**

Zero income families will be contacted on a quarterly basis concerning the status of their household income. Families that have no source of income for a 30-day period will be advised to seek assistance from supportive agencies (DSS, Job Service, etc.). Families that have no source of income for a 30-day period will be required to submit statements of survival until employment or other means of financial support is obtained. The PHA may require specific documentation that would indicate that the family is unable to obtain TANF or income assistance from other programs, unable to work, or unable to participate in local job training services. The PHA may request a credit report on these families for rent determination purposes to see if there are any amounts paid to the household on a regular basis.

#### D. Limitations on Household Size

The PHA reserves the right of final decision concerning a resident's request to add members to the lease or household. For situations other than birth, any additions to the

household must be approved by management of the PHA, including marriage, legal adoptions, custody, changes, addition of foster child(ren) or live-in aides. Participant names, with these types of changes in household size that result in the unit no longer being the appropriate size will be placed on the transfer list.

At the PHA's discretion, immediate family members who have been deleted from the household or were never members of the household may not be added as program participants and are not entitled to housing assistance. Such persons will be advised to apply for housing assistance.

## **XVIII. REPAYMENT AGREEMENTS AND COLLECTIONS**

Should the HA determine that a participant has unreported income, that an incorrect amount of rent has been paid, maintenance/damage charges are due, and it has been determined that there was no intentional fraud involved, a repayment agreement may be entered into with the participant. **Amounts less than \$100 should be paid in full; Repayment Agreements will not be entered into for amounts less than \$100.**

If the HA enters into a repayment agreement, the repayment agreement will be set up as follows:

| <u>Initial Payment</u> | <u>Amount</u>         | <u>Maximum Term</u> |
|------------------------|-----------------------|---------------------|
| 50% due*               | <b>\$101 to \$500</b> | 3 months            |
| 40% due*               | \$501. - \$1,000.     | 6 months            |
| 33% due*               | \$1,001. - \$2,500.   | 12 months           |

\* Due at the execution of the repayment agreement.

Repayment agreements will not be entered into if the total amount due exceeds \$2,500.00 without the prior approval of the Executive Director.

In the event of extreme hardship cases, the HA has the right to amend the repayment agreement or waive the amount due upon approval by the Executive Director.

Refusal to execute a repayment agreement that is a result of a failure to comply with any of the family obligations will result in termination of assistance. In the event of the participant's failure to comply with the terms of the repayment agreement, the HA will

terminate assistance for non-payment or failure to comply with the terms of the repayment agreement.

## **XIX. TRANSFERS**

Residents will be placed on a transfer list after a re-examination conducted by the Occupancy Specialist reveals that the resident is occupying a unit in violation of Occupancy Standards ("Section XI - Bedroom size assignments") and needs to be transferred to a unit of proper size. These transfers identified as "over or under utilized" units will be made as units of the needed size become available and will take precedence over new admissions, subject, however to the waiting list containing a sufficient number of applicants that require a unit size needed to re-occupy the vacated or transferred unit. The Occupancy Specialist will automatically place this resident on the Transfer List as soon as possible after the determination is made regarding the bedroom size needed.

Requests for transfers may also be made for medical reasons or convenience needs if, after the resident requests a transfer, said resident meets the following criteria approved by the PHA:

1. Medical requests must be documented by a physicians' written verification that it is a medical necessity that the resident be transferred; reasons for the transfer must be included in the documentation.
2. Transfers for convenience must be supported by documentation that demonstrates that the transfer will contribute to the welfare of the resident (nearer to employment, day care, school, hospital, etc.)

Requests for transfer of convenience will not be considered unless the resident has been at the current address for at least one year and has a good housekeeping record, with the tenant file containing no history of disturbances, late rent payments or any other lease violations including reports of unauthorized occupants. Requests for transfers of convenience will not be approved if the resident is on probation for lease violations or if utility payments are in arrears, which would prevent a transfer of utility service to the new unit. Management reserves the right to perform a housekeeping inspection prior to approval of a transfer for convenience.

All requests for transfers for medical or convenience needs must be approved by Management before being placed on the transfer list. Before the Occupancy Specialist schedules a transfer, utility companies will be contacted to assure that services can be transferred. Residents selected from the transfer list will be made two offers of transfer; after refusal of two offers, the resident's name will automatically be removed from the

transfer list. Selections by bedroom size will be made based on date and time the resident was approved and placed on the transfer list, with medical transfers taking precedence over transfers of convenience.

Transfers for over or under-utilized units must accept one offer of transfer; failure to accept the offer will result in the resident receiving a thirty day notice of intent to terminate assistance.

Transfers will be considered as vacancies occur after consideration of the available bedroom size, waiting list and ability to fill the unit being vacated. **Transfers will be delayed if a high number of vacancies exist to avoid scheduling problems and delays in unit turnaround time.**

Under special circumstances, the Executive Director may waive the above listed procedures.

Transfers will be made without regard to race, sex, color, religion, national origin, familial status, or disability status. Transfers will be authorized in the following situations.

The Housing Authority will first offer vacant accessible units to any disabled or elderly applicants on the waiting list. If there are no applicants on the waiting list claiming a disability or a need for an accessible unit, the unit will be offered to an elderly or non-disabled applicant. Any elderly or non-disabled applicants must agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of an accessible unit.

## **XX. RESIDENT EMPLOYEES AND TENANTS EMPLOYED BY THE PHA**

Employees who are required to live in Public Housing as a condition of their job are not considered Public Housing Tenants and are not subject to the same requirements or rights of Public Housing tenants (do not have to be income eligible, not subject to selection procedures and rent calculations, are not subject to lease and grievance procedures, have no rights to remain in Public Housing if employment is terminated). The PHA may charge employees who are required to live in Public Housing as a condition of their job a reasonable rent. Dwelling units of this nature must be approved by HUD (pursuant to HUD's unit conversion procedures in Handbook 7468.1) and excluded from total unit months available for occupancy (UMSs) for purposes of calculating subsidy under the Performance Funding System (PFS). Any rent paid must be included as other income for

PFS calculations.

Public Housing participants or applicants who work or expect to work for the PHA are subject to the same admissions and occupancy requirements as other participants/applicants. Such work may not be a condition of their admission or tenancy, they may not be given a selection preference on their willingness to work for the PHA, and the PHA may not lower the rent as compensation for employment. Employment income must be counted in computations of rent.

### **Resident Advisory Board.**

A board comprised of Public Housing residents and Section 8 participants will be established consisting of three to five program participants to assist the PHA in planning, operational and policy development and revisions of documents, from time to time as needed. The Board will consist of one resident from each major public housing site, when possible. Meetings will be scheduled as needed but no less than one meeting will be held each year. Board members will be given the opportunity to volunteer to serve and will be selected only if residents fail to volunteer.

**XXI. COMPLAINTS AND INFORMAL HEARINGS** (See also PHA's Grievance Policy)**A. Discrimination Complaints**

If there is notification to the PHA that there is reason to believe that there has been any discrimination on the basis of race, color, creed, sex, disability status, familial status, or national origin, the PHA will provide the Fair Housing Complaint Form, HUD-903, and any assistance deemed necessary.

**B. Informal Hearings**

Denials of eligibility will be indicated through written correspondence. Letters will be sent indicating the reason for the denial, notification of the right for an informal hearing, and shall require a verbal request (followed by the family signing a request for hearing form) within ten (10) days from the date of the notification. Failure to request the hearing by signing a request for hearing form within ten (10) days from the date of the letter from the PHA will result in forfeiture of this right.

Informal hearings, upon receipt of a written request, will be conducted for decisions affecting families such as amount of rent calculation or a decision of denial. A member of the PHA staff other than the individual that initially determined the ineligibility will conduct the informal hearing.

For terminations of the lease, the hearing must allow for due process for the PHA and the family to include presentation of any evidence and/or opportunity to question witnesses, right to retain and have legal representation, and right to a private hearing (see PHA's Grievance Policy).

Failure to appear at any scheduled hearing by either the family or the PHA is a waiver of the right to a further informal hearing. Any appointment requested by a Resident and not kept or not rescheduled prior to the time of the arranged appointment will waive the right to a hearing, unless it is proven that a verifiable emergency existed at the time of the missed appointment.

A written decision of the hearing officer or panel will be issued. The determination by the hearing officer or panel does not constitute a waiver of either party's right to appropriate judicial proceedings.

The person or panel conducting the hearing must issue a prompt written decision

stating the reasons for the decision to the PHA staff and the applicant/participant/owner.

Informal hearings will not be conducted by the PHA for the following:

1. Discretionary administrative determinations by the PHA, general policy issues, or class grievances.
2. The PHA's determination of the bedroom size or the participant's occupancy of a unit that is overcrowded or under utilized.
3. A decision of denial or termination based on any drug-related or violent activity or violent criminal activity or any activity that threatens the health, safety, or peaceful enjoyment of the premises by other residents.



## **XXII. FREEDOM OF INFORMATION (FOI) REQUESTS**

In accordance with South Carolina Code Section 30-4-30 and the Federal regulations regarding FOI requests and the Federal Privacy Act, all requests for public records, other than those normally made within the ordinary course of business, shall be made in writing to the Executive Director of the Housing Authority.

1. FOI requests must be in writing (ink only), unless an exception is granted by the Executive Director, and must be signed by the requesting person or his or her duly authorized agent or attorney.

2. Written notification of the Authority's determination on FOI requests will be made within fifteen (15) of the FOI request. If the request is denied, the reasons for the denial will be indicated. If the request is granted, the notification shall state the time and place when the requested public record will be made available for inspection and the deposit amount required for the record search. If copies are requested of any public records, the notification will include the cost per copy. The determination of the Authority shall constitute the final opinion as to the availability of the requested public record.

3. An average hourly rate of pay for administrative employees that conduct the record search plus 30% for benefits will be charged. Should overtime wages be necessary, the overtime rate of pay will also be charged. If copies are made of any records by employees or the requesting party, 50 cent per page will be charged. Deposits may be required by the Authority for such expenses.

4. No public record held by the Authority may be removed from the Authority's premises.

5. The Authority shall only allow the inspection and/or copying of public records in its possession which are not exempt pursuant to South Carolina Code Section 30-4-40, and it shall not otherwise be required to generate records either by creation, subpoena or contract demand.

6. Requests for search of, permission to inspect records, or for copies of records will be dealt with on a case-by-case request. The Executive Director will, in considering such requests, have to consider the availability of staff time to fulfill such requests in regard to work responsibilities and other public duties.

### **XXIII. RECORD RETENTION**

The PHA will maintain all applications for admission and of all tenants in occupancy (to include race, ethnicity, sex, age of head of household) and any other occupancy information collection for the later of at least three (3) years or until audited by HUD. Records must be maintained to include offers and rejection of units, the reasons for the rejection, ineligibility documentation, and eligibility documentation for all residents. Files will be maintained for all participants that are no longer housed by the PHA and must include the disposition of the security deposit.

### **XXIV. OTHER ADMINISTRATIVE FUNCTIONS**

The PHA will annually review and make changes, where necessary, to utility allowances and policies/procedures.

The Housing Authority Director will conduct internal quality reviews on the files for accuracy and completeness of documentation. Staff will be monitored and counseled in any deficient areas.

The PHA will follow-up on any reports of fraudulent activity by program staff, applicants, or participants. Documentation, when obtainable, will be compiled and an internal review will be conducted as to credible evidence. In the event that the documentation is sufficient to pursue further action, the Executive Director will be notified to determine the resulting actions by the PHA.

**Attachment 1 – Income Inclusions and Exclusions**

Section 8 Administrative Plan

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**Attachment 1: 24 CFR Subpart F-Section 8 and Public Housing, and Other HUD Assisted Housing Serving Person with Disabilities; Family Income and Family Payment; Occupancy Requirements for Section 8 Project-Based Assistance. (04/01/02)**

## Section 8 Administrative Plan

### **I. BACKGROUND AND ADMINISTRATION OF PROGRAMS**

The Housing Authority of the City of Rock Hill was created to assist low-income families in obtaining decent, safe and sanitary housing at an affordable cost. Since that time the PHA has functioned continuously, managing Public Housing and Section 8 Programs.

The Section 8 program enables families to acquire modest, decent, safe, sanitary and affordable housing by utilizing existing units in the local rental market. Families are able to choose a unit (meeting the criteria outlined in this policy) suitable for their individual needs in the jurisdictional area of the Housing Authority.

The PHA will target at least 75% of admissions to families with incomes that do not exceed 30% of the PHA's area median income. The PHA may exercise its discretionary provisions of the regulations that permit fungibility between its Public Housing and Section 8 program in meeting the targeting goals.

The PHA administers the Housing Choice Voucher program and will not administer any other special housing types unless it is necessary to do so for reasonable accommodation for persons with disabilities. The PHA will permit families to rent or lease manufactured homes when the lot/space on which the manufactured home sits is a part of the rent or lease. The PHA will not provide assistance for only the rental or leasing of spaces for owners of manufacturer homes.

The Section 8 Programs will be administered in accordance with this Policy, Federal Regulations, HUD Handbooks for the Section 8 program, and any pertinent state and local laws:

### **II. PLAN PURPOSE**

The purpose of this plan is to meet HUD requirements, establish local policies for program interpretation and the PHA discretionary areas, aid the Section 8 staff in program procedures to ensure consistency, and provide program information (in an understandable format) to applicants and/or participants. It is not the intent of this plan to replace and/or cite all Federal Regulations verbatim, but to summarize and support the regulations and program Handbooks.

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**III. OUTREACH TO FAMILIES AND OWNERS**

Special outreach efforts may be necessary when the number of families on the waiting list is insufficient to maintain the leasing schedule or to attract groups that are not adequately represented in the assisted families such as the elderly or male heads of household.

The following sources will be used by the PHA for outreach to both families and owners of rental property:

- Announcements, news articles, paid advertisements that serve the PHA's jurisdictional area;
- Public Service announcements on local television and radio stations;
- Contact and coordination with local human service agencies that serve the PHA's jurisdictional area;
- Personal contact on one-to-one basis with local Realtors, apartment managers, and other property owners;
- Special presentations, as necessary, developed for local churches or other civic organizations; and
- Coordination with the City/County.

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**IV. PRIVACY OF APPLICANT/PARTICIPANT INFORMATION**

The following laws authorize the collection of family income and other necessary information to determine an applicant's eligibility, unit size, and income for purposes of calculating the family's rent: Quality Housing and Work Responsibility Act of 1998, U.S. Housing Act of 1937, Section 214 of the Housing and Community Development Act of 1980 (Alien Rule), Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. The Housing and Community Development Act of 1987 requires applicants and program participants to submit the social security numbers of all household members.

The PHA may conduct a computer match to verify the information provided. This information may be released to appropriate Federal, State, and local agencies, when relevant, and to civil, criminal or regulatory investigators and prosecutors. The information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. All requested information must be provided, including evidenced verification of all social security numbers for each family member age six (6) years and older. Failure to provide any of the requested information will result in a delay or rejection of an applicant's eligibility approval.

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### **V. DEFINITIONS**

Act. Quality Housing & Work Responsibility Act of 1998 (QHWRA) and Housing Act of 1937.

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

Adult. A household member who is 18 years or older or who is the head of household, or spouse, or co-head.

Adjusted Income. Annual gross income less any adjustments permitted by Federal Regulations. See 24 CFR Part 5, Section 5.611.

Allowances. HUD approved deductions from annual gross income to determine adjusted income.

Annual Contributions Contract (ACC). A contract (in the form prescribed by HUD) for loans and contributions, which may be in the form of grants, whereby HUD agrees to provide financial assistance and the PHA agrees to comply with HUD requirements for the development and operation of a public housing complex, or to cover housing assistance payments and other expenses for tenant-based programs.

Annual Income. See Attachment. Defined in 24 CFR Part 5, Section 5.609.

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

Assets. See definition for Net Family Assets.

Asset Income. Income received from assets held by family members. If assets total more than \$5,000, income from the asset income and imputed asset income is counted in annual income.

Assisted Lease (or "Lease"). A written agreement between an owner and a family for the leasing of a unit by the owner to the family with assistance payments under a Housing Assistance Payments (HAP) contract between the owner and the PHA.

Childcare expenses. Allowable deduction from annual gross income. See Attachment.

Ceiling Rent. Maximum rent determined and set by some PHAs.

Citizen. A citizen (by birth or naturalization) or national of the United States.

Complex for elderly families. A complex for elderly families is a complex or portion of a complex to which regulations for housing assistance apply that was designated for occupancy by the elderly at its inception (and that has retained that character) or, although not so designated, for which the PHA gives preference in tenant selection (with HUD approval) for all units in the complex (or for a portion of the units in the complex) to elderly families.

Continuously assisted. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.



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Contract Rent. The total amount of rent specified in the Housing Assistance Payment Contract as payable to the owner by the family and/or by the PHA on the family's behalf.

Cooperation Agreement. An agreement between a PHA and the applicable local governing body or bodies which assures exemption from real and personal property taxes, provides for local support and services for the development and operation of a public housing complex, and provides for PHA payments in lieu of taxes.

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

Covered Housing. Public housing, project-based assistance under section 8 (including new construction and substantial rehabilitation projects), and tenant-based assistance under section 8.

Covered Person. A tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Credible Evidence. Evidence of drugs found in the dwelling unit, evidence, which is tied to the drug activity, arrest, warrants issued, drug raids, or arrest, or conviction for such activity.

Decent, safe and sanitary. Housing is decent, safe, sanitary and in good repair if the requirements of the federal regulations are met.

Deductions. Federally mandated allowable deductions from annual gross income. See Attachment.

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

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

Disabled person. See Person with Disabilities.

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

Disallowance: Exclusion from annual income.

Displaced Person. A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized under federal disaster relief laws.

Displacement by inaccessibility of unit. An applicant is involuntarily displaced by inaccessibility of a unit if:

(1) A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit; and

(2) The owner is not legally obligated to make changes to the unit that would make critical elements

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accessible to the disabled person as a reasonable accommodation.

Displacement as a result of HUD disposition of units. Involuntary displacement includes HUD disposition of multifamily rental housing complex under Section 203 of the Housing and Community Development Amendments of 1978.

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

Drug. A controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

EO Plan. Equal Opportunity Housing Plan. The EO plan establishes PHA policies for implementing civil rights requirements.

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

Effective date. The effective date of an examination or reexamination refers to (a) in case of an examination for admission, the effective date of initial occupancy, and (b) in the case of reexamination of an existing resident, the effective date of the redetermined total tenant payment or tenant rent.

Elderly family. A family whose head or spouse (or sole member) is an elderly or disabled person. It may include two or more elderly or disabled persons living together, or one or more of these persons living with one or more live-in aides.

Elderly person. A person who is at least 62 years of age.

Elderly family. A family whose head or spouse (or sole member) is an elderly or disabled person. It may include two or more elderly or disabled persons living together, or one or more of these persons living with one or more live-in aides.

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

Eviction. The dispossession of the tenant from the leased unit, as a result of the termination of the tenancy, including a termination prior to the end of a term or at the end of a term.

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

Family. Defined in 24 CFR 5. Family includes but is not limited to: (a) a family with or without children; (b) an elderly family; (c) a near-elderly family; (d) a disabled family; (e) a displaced family; (f) the remaining member

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of a tenant family; and (g) a single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. See 24 CFR 5.403.

Family members. Any household members except live-in aides, foster children and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD 50058.

Family Self-Sufficiency (FSS) Program. A program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the U.S. Housing Act of 1937.

Family unit size. The appropriate number of bedrooms for a family. Family unit size is determined by the PHA under the PHA occupancy standards or subsidy standards.

Flat Rent. A rent for Public Housing units as determined and set by PHAs that a family may choose to pay in lieu of an income-based rental amount.

Fraud. Intentionally providing false, incomplete or inaccurate information on an application, recertification form, or failure to report all sources of income received by the family.

Full-time student. A person who is carrying a subject load that is considered full-time under the standards and practices of the educational institution attended. An education institution includes a vocational training school with a diploma or certificate program, as well as an institution offering a college degree.

Gross rent. The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance.

Guest. A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Handicapped person (This definition is to be used for purposes of maintaining nondiscrimination practices (see 24 CFR 8.3); see Person with Disability definition for purposes of defining disability).

Includes any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. This term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(a) Physical or mental impairment includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genito-urinary, hemic and lymphatic skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

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(b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(C) Has a record of such means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation.

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

(See also definition for "Qualified individual with Handicap)."

Head of Household. The head of household is the person who assumes legal and moral responsibility for the household.

Household. Head of household and PHA-approved household members, which may include a PHA-approved live-in aide.

Housing Assistance Payment ("HAP"). The payment made by the PHA to the owner of a unit under lease by an eligible family, as provided in the contract, in accordance with Federal Regulations. The payment is the difference between the contract rent and the tenant rent. An additional payment is made by the PHA to the family when the utility allowance is greater than the total tenant payment. In the case of a family renting only a manufactured home space, the HAP is determined in accordance with the Federal Regulations.

Housing Assistance Payment 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.

Housing Assistance Plan. A local housing assistance plan approved by the field office meeting the requirements of the community development block grant regulation (24 CFR 570) whether or not the unit of general local government submitting the plan is a participant in the block grant program.

Housing Choice Voucher. A document issued by a PHA to a family selected for admission to the rental Housing Choice Voucher program. The Housing Choice Voucher (HCV) describes the program, and the procedures for PHA approval of a unit selected by the family. The HCV also describes the obligations of the family under the program.

Housing Choice Voucher or Voucher holder. A family holding a voucher or certificate with unexpired search time.

Housing Quality Standards "HQS". Program requirements for housing standards established by HUD and any variations established by the PHA and approved by HUD.

Imputed Asset. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Imputed Income. Calculation used when assets exceed \$5,000.00, e.g., HUD passbook rate x total cash value of assets.

Imputed Welfare Income. The amount of annual income not actually received by a family, as a result of a

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specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent. (See HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Income Based Rent. An income-based rent is a tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

Incremental Units. The number of budgeted units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance.

INS. The U.S. Immigration and Naturalization Service.

Income Deductions. See Deductions Attachment.

Income limits. HUD established extremely low, very low-income and low-income limits that are used to determine if assisted housing program applicants qualify for admission to HUD-assisted programs. These income limits are based on HUD estimates for area median family income (using Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas as defined by the Office of Management and Budget (OMB), and the Bureau of the Census definition of family) with specific statutorily permissible adjustments. If the income limits based on this approach would be less than if based on the relevant State non-metropolitan median family income level, income limits are based on the State non-metropolitan family income level.

Landlord. Either the owner of the property or his/her representative or the managing agent as shall be designated by the owner.

Law Enforcement Agency. The National Crime Information Center (NCIC), police department and other law enforcement agencies that hold criminal conviction records.

Lease. A written agreement between an owner (including a PHA) and a family for the leasing of a housing unit. Section 8 programs require an Addendum to the Lease (that contains mandatory language) if an owner's lease is used which must be incorporated into any lease or attached to the lease.

Live-in aide. A person who resides with an elderly person or disabled person and who:

- (1) Is determined by the PHA to be essential to the care and well being of the person.
- (2) Is not obligated for the support of the person **and whose income is not considered in calculating the resident's rent.**
- (3) Would not be living in the unit except to provide necessary supportive services.
- (4) Cannot be considered as a remaining family member.
- (5) Cannot be a sibling and/or immediate family member.**

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose annual incomes do not exceed 80 percent 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 80 percent of the median income for the area on the basis of its finding that such

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variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

Major Life Activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Maximum Family Share (at initial occupancy): At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income. The determination of adjusted monthly income must be based on verification information received by the PHA no earlier than 60 days before the PHA issues a voucher to the family.

Medical expenses. Allowable deductions from annual gross income for certain types of program participants. See Attachment.

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

Monthly adjusted income. One-twelfth of adjusted annual income.

Monthly income. One-twelfth of annual income.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

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Near elderly family. A family whose head or spouse (or sole member) is at least 50 years of age but below the age of 62 years.

Net family assets. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and the equity in a housing cooperative unit or in a manufactured home in which the family resides. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under 24 CFR 5, Subpart F.)

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

Noncitizen. A person who is neither a citizen nor a national of the United States, and is not eligible for housing assistance unless eligible immigration status has been provided (evidenced by supporting documentation) in one of the following categories:

(1) A noncitizen who has been lawfully admitted to the U.S. for permanent residence, as defined by the Immigration and Nationality Act as an immigrant (includes special agricultural workers who have been granted lawful temporary resident status).

(2) A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as an exercise of discretion by the U.S. Attorney General.

(3) A noncitizen who is lawfully present in the U.S. pursuant to an admission under refugee status, asylum status, or as a result of being granted conditional entry because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity.

(4) A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the U.S. Attorney General for emergent reasons or for reasons deemed strictly in the public interest under parole status.

(5) A noncitizen that is lawfully present in the U.S. as result of the Attorney General's withholding deportation for threat of life or freedom.

(6) A noncitizen lawfully admitted for temporary or permanent residence under amnesty (Section 245A of the INA).

Noncitizen Student. Housing Assistance (including continued assistance, prorated assistance or temporary deferral of termination of assistance) is prohibited to all noncitizen students (including spouses or minor children) who have a residence in a foreign country that the person has no intention of abandoning; are a bona fide student qualified to pursue a full course of study; and are admitted to the U.S. temporarily and solely for purposes of pursuing such a course of study, particularly designated by such person and continually approved by the U. S. Attorney General.

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Occupancy standards. Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions. See definition of "family unit size."

Other Person Under Tenant's Control. A person, although not staying as a guest (see definition of guest) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Owner. Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing. See the Annual Contributions Contract for the types of prohibited or conflict of interest owners.

PHA. Public housing agency or authority. Also referred to as HA. A State, county, municipality or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). "PHA" and "HA" mean the same thing.

PHA jurisdiction. The area in which the PHA is not barred and is legally permitted to operate under State law.

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

Payment standard. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the PHA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

Person with Disability. A person who is any of the following:

A. Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423) which states: "Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or in the case of an individual who has attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

B. Is determined, pursuant to regulations, to have a physical mental, or emotional impairment that:

(1) Is expected to be of long-continued and indefinite duration;

(2) Substantially impedes his or her ability to live independently; and

(3) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.

(4) Or is a person who has developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) to include persons that have a severe chronic disability that:

(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;



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(ii) Is manifested before the person attained age 22;

(iii) Is likely to continue indefinitely;

(iv) Results in substantial functional limitation 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 of independent living, and (7) economic self-sufficiency; and

(v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

Note: This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (1937 Act). No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Permanent Replacement Housing. Housing that is decent, safe, and sanitary; that is adequate for the family size; and that the family is occupying pursuant to a lease or occupancy agreement. (This term is used in defining eligibility for involuntarily displaced persons who may have received shelter after being displaced and before receiving rental assistance).

Pre-adjustment Rent. Rent to an owner that does not include any previously approved special adjustments.

Preponderance of Evidence. Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.

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

Probation: A period of leniency in lieu of termination extended to a resident/participant after lease or HAP violations have occurred or the preponderance of evidence indicates that violations have occurred during which time the resident/participant is put on notice that additional violations can bring about termination of assistance.

Processing Entity: the person or entity that that is responsible for making eligibility and related determinations and an income reexamination. (In the Section 8 and public housing programs, the "processing entity" is the "responsible entity."

**Proper Reporting Methods: When a resident has a change in income to the household (including but not limited to, income that may be exempt from rent calculation), or a change in family composition, he or she will report such change to the office within ten days of such change, make an appointment and come in to the office to complete the necessary third-party verification forms that are required by HUD so that the proper amount of rental assistance/subsidy for the family can be calculated.**

Public Housing: Housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating assistance.

Rental Agreement. All agreements, written or oral, between the landlord and tenant (and valid rules and

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regulations adopted by the landlord pursuant to a written agreement) relating to the use and occupancy of a dwelling unit and surrounding premises.

**Resident Advisory Board: Board of Public Housing residents and Section 8 participants formed to assist the PHA in operational and policy changes.**

Residency preference. A preference for admission of persons who reside in a specified geographic area.

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

Qualified Individual with Handicap. (See 24 CFR Part 8.3). With respect to any non-employment program or activity which requires a person to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Housing Authority can demonstrate would result in a fundamental alteration in its nature; or with respect to any other non-employment program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

Ranking preference. A preference used by the PHA to select among applicant families that qualify for a preference.

Reasonable Rent. A rent to owner that is not more than either:

- (1) Rent charged for comparable units in the private unassisted market; or
- (2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

Remaining Family Member. A member of a family listed on the lease who continues to live in an assisted unit after all other family members have left. Live-in-aid is specifically excluded from qualifying as a remaining member of the family unless their name has been included on the lease and any income included for rent calculation purposes.

Rent. See Tenant Rent and Total Tenant Payment.

Rental voucher. See Housing Choice Voucher.

Rental voucher program. See Housing Choice Voucher program.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

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Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible Entity: (1) For the public housing program, the Section 8 tenant-based assistance program and the Section 8 project-based certificate or voucher programs and the Section 8 moderate rehabilitation program, responsible entity means the PHA administering the program under an ACC with HUD; (2) For all other Section 8 programs, responsible entity means the Section 8 project owner.

Single person. A person who lives alone or intends to live alone, and who does not qualify as an elderly family or displaced person or as the remaining member of a tenant family.

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

Specified Welfare Benefit Reduction. (1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. (2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency: (i) at expiration of a lifetime or other time limit on the payment of welfare benefits; (ii) because a family member is not able to obtain employment, even though the family member has complied with welfare economic self-sufficiency or work activities requirements; or (iii) because a family member has not complied with other welfare agency requirements. (See Imputed welfare income and HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Spouse. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

Standard, permanent replacement housing. Decent, safe and sanitary housing, adequate for the family size, and housing that the family is occupying pursuant to a lease or occupancy agreement. Standard, permanent replacement housing does not include transient facilities (such as motels, hotels, or temporary shelters); or in cases of domestic violence, the housing unit in which the applicant, and the applicant's spouse or other member of the household who engages in such violence, live.

State Landlord and Tenant Act. Any state statute or local ordinance which imposes obligations on a landlord and tenant in connection with the occupancy of a dwelling unit and surrounding premises and which provides that violations of such obligations by the tenant constitute grounds for eviction.

Specified Welfare Benefit Reduction. (1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. (2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency: (i) at expiration of a lifetime or other time limit on the payment of welfare benefits; (ii) because a family member is not able to obtain employment, even though the family member has complied with welfare economic self-sufficiency or work activities requirements; or (iii) because a family member has not complied with other welfare agency requirements. (See Imputed welfare income and HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Subsidy Standards. Standards established by a PHA to determine the appropriate number of bedrooms and

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amount of subsidy for families of different sizes and compositions.

SWICA. State Wage Income Collection Agency.

Tenant-based. Rental assistance that is not attached to the structure.

Tenant rent. The amount payable monthly by the family as rent to an owner (including a 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, Tenant Rent equals Total Tenant Payment less the utility allowance. Total tenant payment does not include charges for excess utility consumption or other miscellaneous charges.

Total Tenant Payment. Total income-based tenant payment shall be **the highest** of the following, rounded to the nearest dollar:

- (1) Thirty percent (30%) of the monthly adjusted income;
- (2) Ten percent (10%) of monthly income;
- (3) Minimum rent as set by PHA from \$0 to \$50.00;
- (4) Ceiling rent as set by PHA for Public Housing;

**OR**

- (5) Flat rent as set by PHA for Public Housing.

Unit. Dwelling unit.

United States Housing Act of 1937. (1937 Housing Act). The basic law that authorizes the public and Indian housing programs, and the Section 8 programs. (42 U.S.C. 1437 et seq.).

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Tenant Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, under 24 CFR 5, of the monthly cost of a reasonable consumption of such utilities and other services (excluding any allowance for air-conditioning as required by HUD) for the unit by an energy-conservation household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Tenant Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, under 24 CFR 5, of the monthly cost of a reasonable consumption of such utilities and other services (excluding any allowance for air-conditioning as required by HUD) for the unit by an energy-conservation household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. The amount, if any, by which the utility for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish very

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low-income limits higher or lower than 50 percent 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.

Violent Activity. Any behavior or activity exerted or displayed so as to cause damage, abuse, intimidation or injury; vehemence of feeling or expression or rough, aggressive action.

Violent Criminal Activity. Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Waiting list admission. An admission from the PHA waiting list.

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

Welfare assistance. (for purposes of the FSS program only) income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance **does not include:** (1) Nonrecurrent, short-term benefits that: (i) Are designed to deal with a specific crisis situation or episode of need; (ii) Are not intended to meet recurrent or ongoing needs; and (iii) Will not extend beyond four months. (2) Work subsidies {i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training}; (3) Supportive services such as child care and transportation provided to families who are employed; (4) Refundable earned income tax credits; (5) Contributions to, and distributions from, Individual Development Accounts under TANF; (6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; (7) Transportation benefits provided under a Job Access or Reverse Commute project to an individual who is not otherwise receiving assistance; (8) Amounts solely directed to meeting housing expenses; (9) Amounts for health care; (10) Food stamps and emergency rental and utilities assistance; and (11) SSI, SSDI, or Social Security.

Work Activities. See definition at section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

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**VI. FAIR HOUSING AND EQUAL OPPORTUNITY HOUSING POLICY**

A. Fair Housing

In accordance with the following regulations, the PHA will not on account of race, color, creed, sex, disability status, familial status, or national or ethnic origin deny to any family the opportunity to apply or receive housing assistance. Selections will be made in accordance with the applicable requirements included herein.

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations 24 CFR Part 1 and Title VIII of the Civil Rights Act of 1968, as amended;

2. The Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations at 24 CFR parts 100, 108, 109 and 110.

3. Executive Order 11063 on Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, 59 FR 2939 (1994) (implementing regulations at 24 CFR part 107).

4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR Part 8;

5. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR Part 146; and

6. Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213) to the extent applicable.

Selections will be made in accordance with the selection criteria consistent with HUD's affirmative fair housing objectives and are included herein.

The PHA will post on the applicant/resident information bulletin board the telephone number for the HUD Office of Fair Housing and Equal Opportunity (FHEO) toll-free hotline - (800-424-8590).

B. Equal Opportunity Housing Plan

In addition to the Fair Housing and Equal Opportunity Housing efforts specifically indicated throughout this policy the PHA will affirmatively further fair housing goals and comply with equal opportunity requirements by the following actions:

1. By adoption of this policy, compliance by the Housing Authority with all fair housing and equal opportunity regulations and requirements, is certified.

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2. Encouraging owners to make suitable units located outside areas of poverty or racial concentration available for leasing in the program to provide participants with the broadest geographical choice in selection.

3. Provide available information and assist any applicants and/or participants if they believe discrimination has occurred to include provision of a Housing Discrimination Complaint form (HUD-903).

4. Recruitment and equal opportunity employment practices will be utilized to attract and recruit qualified minority applicants for any vacancies.

#### C. Reasonable Accommodation

The PHA will include in its application and interview process procedures to ensure that applicants and/or participants are aware of their opportunity to request reasonable accommodations. Should any applicant or participant indicate the need for reasonable accommodations, the PHA will make available to them a Request for Reasonable Accommodation form. It is the policy of the PHA to make every effort possible to provide reasonable accommodations for persons with disabilities when such requests are reasonable, economically, financially and administratively feasible.

The HA will utilize reasonable accommodations practices for any applications received by handicapped individuals especially those involving sight or hearing impaired applicants.

The HA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person. Reasonable accommodations for application or updates will be provided to disabled (mobility impaired or hearing impaired) applicants.

**VII. APPLICATIONS, ELIGIBILITY, VERIFICATION REQUIREMENTS, AND WAITING LIST ADMINISTRATION**

A. Applications

Applications may be made in person at the PHA's Office, as posted, unless the waiting list is closed. The time of closing and/or opening of the waiting list will be announced by publication in a local newspaper. Exceptions and special accommodations will be made for elderly or disabled (mobility or hearing impaired) individuals that are unable to come into the office.

The PHA will utilize reasonable accommodations practices for any applications received by persons with disabilities especially those involving sight or hearing impaired applicants. A Telecommunication Device for the Deaf (TDD) will be made available for hearing impaired applicants.

When the waiting list is open to all applicants, applications will be accepted from all applicants. All eligible applicant names will be placed on the waiting list based on the date and time of application and preference indication (if any are specified in this Plan). At the time that the PHA is selecting applicants from the waiting list to issue vouchers, applications will be updated, information verified to determine continued eligibility, and selections made based on the selection criteria outlined later in this Plan.

B. Eligibility Requirements

Applicants must meet all of HUD's eligibility requirements, to include but is not limited to the following:

(1) Applicants must be a citizen or national of the U.S. or an eligible, qualified non-citizen who have eligible immigration status (see Definitions, Section V of this plan).

(2) Head-of-household applicants must be 18 years of age or older to be eligible for assistance.

(3) Program participants must be income eligible based on gross income (see Attachment 1 for income inclusions and exclusions) that is below HUD's published very-low income limits for the PHA's jurisdictional area. The only exceptions to the very low income limits are the following categories considered by HUD as "Special Admissions" and are not subject to being placed on the PHA's waiting list and/or waiting list requirements as set forth herein:

(a) A low-income family that is "continuously assisted" under the 1937



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Housing Act and defined as follows: any family that is already receiving assistance (no interruption in assistance) under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

(b) A low-income family physically displaced by rental rehabilitation activity under 24 CFR 511.

(c) A low-income non-purchasing family residing in a Hope 1 (HOPE for Public and Indian Housing Ownership) or HOPE 2 (HOPE for Homeownership of Multifamily Units) project.

(d) A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.

(e) A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.

(f) A low-income family residing in a HUD-owned multifamily rental housing project when HUD sells, forecloses or demolishes the project.

(g) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project.

(4) The PHA will determine the income eligibility by comparing the family's annual gross income to the HUD-established extremely-low, very-low or low-income limit for the area. The applicable income limit for selection purposes is the highest income limit for the family unit size for the areas in the housing authority's jurisdiction. The applicable income limit for admission is the income limit for the area where the family is initially assisted. The family, including a portable family, who is not a current program participant, must be income eligible in the area where they are first assisted.

#### C. Definition of a Family

(1) A family is defined as a single person or a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly, near-elderly, or disabled persons living with one or more live-in-aides. The PHA includes in its definition of a family: one or more persons related by blood, marriage or operation of the law, one of whom will be an adult (age 18 or older) who will live regularly together in the unit (including foster children), or persons who can verify a stable relationship, e.g., common law marriages as recognized by the State of South Carolina, or a relationship that has existed for a reasonable period of time (one year or more).

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(2) A family includes a family with a child or children.

(3) A single person may be:

- a. An elderly person.
- b. A near-elderly person.
- c. A displaced person.
- d. A disabled person.
- e. A single, pregnant female (physician certification may be required).
- f. Any other single person.

(4) Dependents must meet the HUD definition of dependent, have evidence of the family's residence as their legal residence, and/or in cases where the head-of-household is in the process of obtaining custody or adopting an individual under the age of 18, guardianship documentation or evidence of reasonable likelihood of success must be provided. Copies of tax returns that indicate the "claiming" of a dependent may be required. A child who is temporarily (less than ninety (90) days) away from the home because of placement in foster care is considered a member of the family. In cases of joint custody arrangements, the child/children can be considered a member of the family if the applicant/participant has continuous custody for more than six (6) months of the year.

(5) Remaining family members (provided that the person(s) are not minors, that the children have not been removed from the home because of abuse or neglect, that the resuming Head of Household was not the perpetrator of spousal abuse, and that the resuming Head of Household meets the PHA selection criteria and would be a responsible participant of the program). This includes a single female whose pregnancy is terminated after admission. Any remaining family members that are minors must have an adult (over the age of 18 years) that qualifies under the selection criteria listed herein and the adult must provide legal guardianship documentation in order to be designated as a head-of-household. This determination will be made at the discretion of management and will be made based on the history of responsible participation in the program. A temporary head-of-household designation can in no way be construed as a permanent head-of-household.

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### D. Denial of Assistance

The application will be reviewed and any ineligible applicants will be promptly notified (within ten days from the date of verification of accurate information) in writing and provided with the reason for the decision and an opportunity to request an informal review of the decision as specified in this plan.

The informal review process will include a prompt written notice of the determination to include the reason for the decision, the applicant's right and how to request an informal review (must be received within ten (10) days from the date of the notice to the applicant), and an explanation of the informal review process.

Applicants will be notified should the applicant be found to be ineligible for assistance, variance in the determination of bedroom size as indicated on the original application, or misrepresentation on the application. Applicants will be notified in writing of such determinations and given the opportunity to request an informal hearing.

Denials of eligibility or program participation may include but are not limited to the following:

1. Persons who do not meet HUD's eligibility criteria.
2. Past participants in the Section 8 programs and former Public Housing residents of any PHA who failed to satisfy liability to a PHA for unpaid rent or damages will be denied housing assistance unless the liability is paid in full. The PHA will notify the applicant of ineligibility and the name will be dropped from the waiting list. If the liability is paid in full, re-application for housing may be made. Any applicant that has committed fraud, bribery or any other corruption in connection with any federal or state assistance program will be determined ineligible.
3. Past participants in the Section 8 programs and/or current and former Public Housing residents of any Housing Authority who have been evicted from Public housing or are currently under eviction or on probation for poor housekeeping practices, disputes with other residents, criminal domestic violence incidences, allowing unauthorized individuals to occupy the residence, failure to pay rent on time, or allowing utility services to be disconnected will be declare ineligible.
4. The PHA will enforce HUD's "**One Strike, You're Out**" procedures. As part of determining eligibility and/or continued assistance determinations, the PHA may conduct criminal background checks (to include all adult family members) either by obtaining copies of records or require applicant/participant to furnish such copies of criminal records. The PHA may deny admission to any applicant/participant whose activities may have a detrimental effect on nearby residents or conducts or has conducted any activity (including alcohol abuse) that would affect the health, safety, or right to peaceful enjoyment of the

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nearby premises. At any time, the PHA may deny assistance to an applicant, or terminate assistance to a participant family, if any member of the family has committed or commits any drug-related criminal activity or violent activity or violent criminal activity (to include those convicted of the illegal manufacturing or producing of methamphetamine (speed) or sex offense activity or arson.

If the PHA seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, consideration will be given by the PHA in determining denials or terminations of assistance for such use or possession by a family member, if the family member can demonstrate that he or she: (1) has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such impairment; and (2) is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit, and may require supporting evidence that the individual has remained drug-free for at least two (2) years. The PHA reserves the right to deny eligibility if there is reasonable doubt of the rehabilitation in order to protect the health, safety and/or right to peaceful enjoyment of the premises.

The PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in drug-related criminal activity or **violent activity or violent criminal activity**, regardless of whether the family member has been arrested or convicted.

5. Have engaged in or threatened abusive or violent behavior toward any PHA staff or resident.

6. Have a family member who is a lifetime registrant as a sex offender.

7. The PHA reserves the right to deny assistance based of any other activity that could adversely affect the health, safety, and right to peaceful enjoyment of the premises.

8. Any misrepresentation of applicant's information will be considered ground for denial of program participation or termination of assistance.

9. The PHA must receive income information verifying that an applicant is eligible within a period not greater than sixty (60) days before issuance of a voucher.

10. Applicants that have been determined ineligible must wait 90 days before re-application (should situations change) after receipt of an ineligibility letter.

#### E. Verification Requirements

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Applicants and participants must sign consent and release of information forms as required by the PHA and HUD in order for the PHA to obtain verification of income and eligibility status. Failure to sign consent and release forms will result in ineligibility and/or termination of assistance. Verification requirements include, but are not limited to the following:

(1) Income and deductions must be verified by third-party verification. Verification forms will be sent by mail to the appropriate third party with a request that the form be returned by mail. In the event that the verification is not possible due to unwillingness by source to respond or that the information is not returned within a four-week period, a notation to the file must be made and the staff must obtain third-party oral verification or such other means available. Staff will use a documented contact form for telephone verifications. Notarized statements will be used as a last resort.

(2) Income verifications cannot be greater than sixty (60) days before the issuance of a voucher and all other verifications may not be greater than 120 days.

(3) Social Security number verifications are mandatory for all program participants. Acceptable verification includes: valid social security cards; an identification card issued by a Federal, State or local agency, employer; medical insurance agency; earning statements from employment; IRS form 1099; or benefit award letters from government agencies. See Section IV in the event of failure to provide requested SSN verification.

(4) Copies of birth certificates or other documentation as designated by the PHA for all family members must be made available. Certification of citizenship forms must be executed by participants of the program.

(5) Child care deductions will only be given for reasonable rates (based on customary and prevailing rates at local childcare centers) that are evidenced by receipts or notarized statements.

(6) Verifications must be obtainable for all other allowable deductions from income.

(7) Any other verifications that will indicate suitability for tenancy such as criminal background determinations, sex offender records, etc.

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**VIII. WAITING LIST ADMINISTRATION**

If the number of applicants on the waiting list is such that there is no reasonable prospect that applicants could be issued a voucher within one year from the date of application, the PHA may suspend taking applications (close the waiting list).

Except for special admissions (see Definitions, Section V) such as persons received by the PHA under portability, and any program interchanges, selections must be made from the PHA waiting list. The PHA will utilize the Selection Section of this Plan to select participants and will adhere to the requirements in the EOHP requirements contained herein (See Equal Opportunity Housing section).

The waiting list must contain the following for each applicant: Applicant name; family unit size (number of bedrooms for which family qualifies under PHA occupancy standards); date and time of application; qualification for preference (if any); and racial or ethnic designation of the head of household.

The PHA will update and purge the waiting list on an as-needed basis. Applicants will be sent update requests to ensure continued interest. Names will be removed from the waiting list for failure to respond to requests for information, missed appointments, application updates (failure to notify the PHA of a change of address), or if correspondence is returned from the Post Office. If the applicant did not notify the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the updated request. If the letter is returned by the Post Office with a forwarding address noted, the PHA would resend the letter. Applicants will be given fifteen (15) working days to return the notice of continued interest.

The PHA will utilize reasonable accommodations practices for any applications received by handicapped individuals especially those involving sight or hearing impaired applicants.

Applicants may be removed from the waiting list if current information is received from a landlord that indicates that the applicant is failing to abide by the terms and conditions of the applicant's lease, is under eviction procedures, owes an outstanding balance to the landlord, has utility services disconnected, has been allowing unauthorized persons to occupy the unit, has engaged in criminal domestic violence or drug-related criminal activity, or has participated in disputes with other residents that has caused unrest and disharmony with applicant's neighbors. If the applicant did not notify the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the updated request for information letter. If the letter is returned by the Post Office with a forwarding address noted, the PHA would rescind the letter. Applicants will be given ten (10) working days to return the notice of continued interest. The application will be placed

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inactive if the applicant does not respond to contact letters or letters scheduling appointments.

After an applicant has been offered assistance and refused an offer of assistance, the applicant's name will be removed from the waiting list. The PHA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person. Reasonable accommodations for application or updates will be provided to disabled (mobility impaired or hearing impaired) applicants.

The order of admission from the waiting list will not be based on family size or the unit size for which the family qualified under the PHA occupancy policy. The PHA will not skip the family with the oldest date and time of application and selections will be made in accordance with the selection preferences outlined in this Plan. Should the PHA receive funding for a specified category of families, the PHA must select applicant families in the specified category.

The PHA will maintain a separate waiting list for the Section 8 program and its Public Housing program. If the waiting list for the Section 8 or Public Housing program is open, applicants must be offered the opportunity to have their name placed on either list. The PHA will not deny any admission preference, remove the applicants' name from other waiting lists (unless requested by the applicant in writing or in accordance with failure to respond as indicated above), or refuse to list an applicant on any other waiting list. Public Housing residents who receive vouchers must execute a binding, irrevocable thirty-day notice to vacate their public housing unit at the time they accept the voucher.

The PHA will give public notice that it will open the waiting list and/or that families may apply for housing assistance, by publication in a local newspaper of general circulation and also by minority media. The notice will comply with the HUD-approved Equal Opportunity plan and with HUD Fair Housing requirements. The notice will state any limitations on who may apply for available slots in the program. The PHA may advertise for specific types of applicants such as those qualifying for local preferences, and may include in the advertisement that applications from others (not in these categories) will not be accepted.

## **IX. SELECTIONS, EXCEPTIONS, BRIEFINGS, AND OCCUPANCY SIZE DETERMINATIONS**

### A. Selections:

The PHA will target at least 75% of admissions to families with incomes that do not exceed 30% of the PHA's area median income. The PHA may exercise its discretionary provisions of the regulations that permit fungibility between its Public Housing and Section 8 program in the targeting goals.

Offers of a voucher will be based upon funding availability. No preference will be given to any specific form of disability or handicap.

Offers for housing assistance will be taken from the waiting list as follows based on the priority order and having the oldest date and time of application:

(1) Applicants that have a local preference as designated by the PHA in either of the following categories:

- (a) Non-assisted elderly, near-elderly, or disabled applicants over other applicants.
- (b) Non-assisted applicants that are being displaced due to government action or fire that was not intentionally set by a member of the family.
- (c) Applicant families who have income to the household over other applicants with no income to the household.**
- (d) Applicant families who **work or** reside in the Housing Authority's jurisdictional area (for Rock Hill applicants: Rock Hill and it's Zip Codes; for applicants in Great Falls: Great Falls and it's Zip Codes) over other applicants.

(2) All others by the oldest date and time of application.

Selection among applicants with the same priority will be according to the oldest date and time of application. Waiting list classifications must be based on a verification and documentation. If it is determined that an applicant indicated a selection priority but does not have a verified or documented selection priority, the PHA will notify the applicant in writing providing the reasons for the decision and the opportunity for an informal review of the determination.

### B. Exceptions to the Order of Selection:



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(1) 10% of applicants notified for each briefing session will be assisted residents who are on the Section 8 Waiting List and will also be chosen by the oldest date and time of application.

(2) Participants in any "special" (non-waiting list) assistance targeted by HUD for families living in specified units. See also Section VII. B. a-g.

(3) Participants displaced because of demolition or disposition of a public or Indian housing project.

(4) Participants received from another PHA under the Statutory or Regulatory Portability requirements.

(5) If applicable, applicants willing to participate in the Family Self-Sufficiency program when it has been determined that there are no current program participants willing to enroll in the FSS program. The PHA may give a selection preference for up to 50% of its FSS slots to eligible families who have one or more family members currently enrolled in an FSS related service program (such as programs through DSS or any other local self-sufficiency program). The method of outreach will be by direct contact with such agencies or organizations. The PHA's selection for participants in the FSS program will be selected without regard to race, color, creed, religion, sex, handicap, familial status or national origin.

#### C. Briefings:

Applicants will be notified as their name nears the top of the waiting list for appointment times for an update of the application and verification process. Applications will be placed inactive for applicants who do not respond to the notification. All information including income, income from assets, eligible deductions, family composition, preference status (if applicable) will be verified and reviewed prior to enrollment.

Group/individual enrollment sessions will be scheduled and applicants will be notified of the date and time. Should the applicant notify the PHA of their inability to be present at the enrollment session, the PHA will provide a rescheduled time; however, failure to attend such sessions will result in removal of their name from the waiting list. As indicated in Section VIII, Waiting List Administration, applicant names will be removed from the waiting list for failure to notify the PHA of a change of address.

Oral briefing sessions and packets of information will be given to families that are issued vouchers, to include but not limited to, the following:

- (1) A description of how the program works.

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(2) Family and owner responsibilities.

(3) Where the family may lease a unit, including renting a unit inside or outside the PHA's jurisdiction.

(4) In briefing a family that includes any disabled person, the PHA must take steps to ensure effective communication in accordance with 24 CFR 8.6 (auxiliary aids, TDDs, etc).

(5) Term of the voucher and PHA policy on extensions or suspensions of the term.

(6) Information on Fair Market Rents (FMRs), Payment Standards, utility allowance schedule, how the PHA determines the payment standard for a family, and how the PHA determines the total tenant payment and HAP amount.

(7) How the maximum rent is determined, if applicable.

(8) A statement of the policy of the PHA on providing information to owners.

(9) For welfare-to-work families, specification of any local obligations of a welfare-to-work family and an explanation that failure to meet obligations is grounds for PHA denial of admission or termination of assistance.

(10) Things the family must consider in choosing a unit, i.e., location of the unit and the PHA's jurisdictional limits, poverty areas renting outside of poverty areas, condition of the unit, rent reasonableness, energy efficiency, tenant-paid or owner-paid utilities.

(11) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form.

(12) Other information to be provided will include, but not be limited to, the following: HUD brochures, lease addendum language, Request for Lease Approval form, subsidy and occupancy standards, lead-based paint information, list of accessible units that PHA knows of (for persons with disabilities), list of landlords, portability information, grounds for PHA terminations, and informal hearing procedures.

Failure of applicant to keep pre-scheduled briefing appointments without verifiable justification for the missed appointment will result in denial of housing assistance.

All applicants will execute and be given a Federal Privacy Act Notice. The information provided will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the requested information may result in a delay or rejection of eligibility approval.

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D. Subsidy Standards/Occupancy Size Determinations:

Occupancy standard/unit size will be determined at the time of enrollment based on the following criteria:

(1) A voucher will be issued for the smallest unit size consistent with program requirements and Housing Quality Standards.

(2) The bedroom size assigned will not require more than two persons to occupy the same bedroom.

(3) The PHA will make every attempt, based on funding availability, to assign persons over the age of six (6), and of different sex and generation (more than a six (6) year difference in age) separate bedrooms (other than husband and wife),

(4) The PHA will make every attempt, based on funding availability, to not require children to share a bedroom with a single parent.

(5) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining unit size.

(6) Any live-in aide (approved by the PHA to reside in the unit) must be counted in determining the family unit size.

(7) Bedroom size assignments may be made in accordance with HUD guidelines as follows:

| No. Of Bedrooms | Minimum Person(s) | Maximum Person(s)* |
|-----------------|-------------------|--------------------|
| 0               | 1                 | 2                  |
| 1               | 1                 | 2                  |
| 2               | 2                 | 4                  |
| 3               | 3                 | 6                  |
| 4               | 4                 | 8                  |
| 5               | 5                 | 10                 |

\* Exceptions to these standards will be permitted only for situations involving physician orders for separate bedrooms because of health problems, permitted circumstances of family members temporarily away from the housing unit, or if the family is willing or wants to move into a unit that deviates from the standards, e.g., landlord's approval of a mother with two infants living in a one-bedroom unit. Participants will be allowed to use non-sleeping areas as a bedroom (subject to landlord approval); however, the unit bedroom size will be determined by the PHA. Additional rooms for sleeping will not be counted as

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bedrooms unless the room has been redesigned as a bedroom (includes closet and HQS required openable window). In these exceptions, the PHA reserves the right to approve or disapprove such accommodations that may lead to unsafe or overcrowded conditions.

## **X. ENROLLMENTS, FORM OF ASSISTANCE, REQUEST FOR LEASE APPROVALS, LEASES**

### A. Enrollments

After October 1, 1999, the PHA will only issue Housing Choice Vouchers. See Section XII for the phase-in of the Housing Choice Vouchers for families that were receiving Section 8 Certificate or regular voucher assistance prior to October 1, 1999.

### B. Term of Vouchers and Requests for Tenancy Approval

Vouchers will be issued for a sixty (60) day period. Two thirty (30) day extensions (not to exceed an additional sixty (60) days) may be given at the discretion of the Housing Director under extenuating circumstances such as severe illness or hospitalization (documentation may be required), extremely large families seeking scarce larger bedroom units, persons needing units designed for the disabled, or for a unit that the family has located and repairs are in progress.

In the event a family includes a member with disabilities and requests an extension of the initial voucher term as a reasonable accommodation, the PHA must extend the voucher term up to the term reasonably required for that purpose.

The PHA may provide for suspension of the initial or any extended term of the voucher (if the family has submitted a request for tenancy approval prior to the term expiration) up to the time when the PHA approves or denies the request.

In the event that a unit is not found within the time frames outlined, the voucher expires, the applicant's name is removed from the waiting list, and the voucher is available for issuance to another family.

### C. Requests for Tenancy Approval and Approval to Lease a Unit

A family may submit only one Request for Tenancy Approval at a time to the PHA; ***the PHA reserves the right to refuse Requests for Tenancy Approvals if the dwelling is not ready to be inspected.*** When the potential program participant returns a Request for Lease Approval, completed and executed by an owner within the time frames set forth above, an inspection of the unit will be conducted by the PHA within 15 days of submission to PHA of Request for Tenancy approval (or a reasonable time in the event the unit is not available for inspection) to ensure compliance with the Housing Quality Standards (HQS). All potential program participants are informed of the HQS requirements during the briefing session to minimize unnecessary inspection of units that would not pass the inspection in a

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timely manner and to assist the family in locating a unit within the sixty-day period.

The following criteria must be met in order for a unit to be placed under the program:

1. The unit and owner must meet the eligibility requirements of the program;
2. The unit must pass the HQS inspection;
3. The rent must be rent reasonable; and
4. Where the gross rent of a unit exceeds the applicable payment standard for the family, the family's share of rent does not exceed 40% of the monthly adjusted income (for all initial occupancy of a unit including moves to new units).

If the unit cannot be approved or the tenancy denied, the PHA will notify the family and the owner in writing. If the problem can be cured, the notification will include any required actions.

Families will be advised during briefings that the PHA cannot execute HAP contracts and no HAP payments will be made in the event that the above conditions are not met. The family will also be advised that the PHA will not assume any responsibility for payments due under a lease unless and until a HAP Contract is executed.

#### D. Leases

The tenant and owner must enter into a written lease for the unit. The owner's lease must be used if the owner uses a standard lease form for rental to unassisted tenants. In the event that the owner's standard form lease is used, the HUD-prescribed tenancy addendum must be attached. If the owner does not use a standard lease form, the owner may use the PHA model lease.

Any changes in the lease or rent must be in writing and provided to the PHA and tenant at least sixty (60) days prior to any such changes taking effect. Rent changes are subject to the PHA and HUD rent reasonableness requirements.

The PHA must approve any new tenancy and a new HAP contract must be executed under any of the following circumstances:

- (i) in the event of any change to the lease regarding responsibility for utilities or appliances;
- (ii) changes to the term of the lease; or

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(iii) if the family moves to a new unit even if the unit is in the same building or complex.

**XI. INCOME DETERMINATIONS, DEDUCTIONS FROM INCOME, AND HOUSING ASSISTANCE PAYMENT CALCULATIONS**

A. Income Determinations

Income will be based on the anticipated total income from all sources (unless indicated on Attachment 1, Income Exclusions **or any subsequent ruling by HUD concerning Income Inclusions and Exclusions**), including net income derived from assets (actual and/or imputed), receiving by the participant family, for the 12-month period following the effective date of initial determination or re-examination/re-certification.

In the event that it is not feasible to anticipate income for a 12-month period, the PHA may use the annualized income anticipated for a shorter period of time, or in the event an anticipated amount cannot be determined (such as for temporary or seasonal employees) the income can be determined by using the previous 12-month period.

Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement will not have their rent reduced based on the welfare benefit reduction (excludes persons that benefit is reduced due to a lifetime limit or where a family has complied with program requirements but cannot obtain employment). The PHA will obtain verification of such benefit reduction from the welfare agency.

B. Deductions from Income

Deductions (as permitted by Federal Regulations) from gross income for rent calculation purposes are set forth in Attachment 1 of this plan.

C. Housing Assistance Payment Calculations

After October 1, 1999, the PHA will only issue Housing Choice Vouchers (HCV). See Section XII for the HCV phase-in and necessary calculations for families that were receiving Section 8 Certificate or regular voucher assistance prior to October 1, 1999.

The PHA will utilize the new calculations for housing choice vouchers issued after October 1, 1999 (See Section XIII).

**XII. HOUSING CHOICE VOUCHER PHASE-IN (FOR FAMILIES RECEIVING ASSISTANCE IN CERTIFICATE OR REGULAR VOUCHER PROGRAM PRIOR TO OCTOBER 1, 1999 (See 982.502)**

A. Regular Certificate

Program assistance under a regular certificate must terminate under any outstanding HAP contract (and HAP contract automatically terminates) at the effective date of the second regular reexamination of family income and composition after October 1, 1999. The PHA will give at least 120 days written notice of such termination to the family and owner of such termination. If the family has continued to meet program obligations and the PHA has no reason to terminate assistance under program guidelines, the PHA will offer the family the opportunity for continued assistance under the HCV program.

B. Over-FMR Certificate

Tenancy under any pre-merger over-FMR Certificate tenancy will be considered and treated as tenancy under the voucher program including calculation of the voucher housing assistance payment (see Section XIII) except the loss of shopping incentive (specifically, use the lower of the payment standard minus TTP or gross rent minus TTP) shall not occur until the second regular reexamination of family income and composition on or after October 1, 1999. Prior to the second regular reexamination, the PHA must use the lower of the payment standard or monthly gross rent in the calculations (utilizing the FMR/exception rent limit as the payment standard).

C. Voucher

Tenancy under a pre-merger voucher HAP contract must be treated as tenancy under the HCV program except for the loss of shopping incentive (specifically, use the lower of the payment standard minus TTP or gross rent minus TTP) will not occur until the second regular reexamination of family income and composition on or after October 1, 1999. Prior to the second regular reexamination, the PHA must use the lesser of the payment standard or monthly gross rent in the calculations (utilizing the higher of the initial payment standard at the beginning of the HAP term OR the payment standard as determined in Section XIII.)



### **XIII. PAYMENT STANDARDS AND MONTHLY HAPS**

#### A. Payment Standards

Payment standards are established by the PHA for the each FMR area and for each exception rent area (if applicable) and are reviewed annually. The payment standard for each unit size will be between 90% and 110% of the current FMR as published by HUD unless an HUD exception rent is approved.

The PHA will utilize local market data gathered in its rent reasonableness studies, success rates of families in locating units, and the percentage of annual income that families are paying for rent to determine payment standards.

#### B. Payment Standard for a Family

1. Payment standard for the family are based on the lower of:

(i) the payment standard amount for the family unit size; or

(ii) the payment standard amount for the unit size of the unit rented by the family.

2. If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount for the exception area.

3. During the first 24 months of the HAP contract term, the payment standard for the family is the higher of:

(i) the initial payment standard (at the beginning of the contract term), as determined in paragraph # 1 above, minus any amount by which the initial rent to owner exceeds the current rent to owner; or

(ii) the payment standard, as determined in paragraph #1 above, as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.

4. After the first 24 months of the HAP contract term, the payment standard for a family is the payment standard as determined in #1 above, as determined at the effective date of the most recent regular reexamination of family income and composition after the beginning of the HAP contract term.

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5. At the next regular reexamination following a change in family size or composition that causes a change in family unit size during the HAP contract term, and for any examination thereafter during the term, the **new** family unit size must be used to determine the payment standard and the provisions of 3(i) above do not apply.

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### C. Monthly Housing Assistance Payments

The PHA will pay a monthly HAP on behalf of the family that is equal to the **lower** of:

1. The payment standard for the family minus the total tenant payment; OR
2. The gross rent minus the total tenant payment.
3. The gross rent minus maximum family share (only applies at initial move-in.)

## **XIV. RENT REASONABLENESS AND RENTAL INCREASES**

### A. Rent Reasonableness:

The PHA may not approve a lease until the PHA determines that the initial rent to owner is reasonable. Rent reasonableness must be redetermined for rent increases, if there is a five percent decrease in published FMRs (in effect 60 days of contract anniversary), if directed by HUD, or at any other time the PHA deems necessary.

Rents for units placed in the Section 8 program must be considered rent reasonable for comparable, unassisted units in the area or unassisted units. The program regulations permit the PHA to disapprove any unit that is not considered rent reasonable. Rent reasonableness documentation will be maintained for all units placed under the Section 8 program.

The PHA will maintain and update periodically a rent reasonableness guide of unassisted units to assist in this process. The PHA's process will include a comparison that will include the following criteria:

1. The location, quality, size, unit type, and age of the contract unit; and
2. Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

Owners will, by accepting each monthly housing assistance payment, certify that the rent to owner is not more than rent charged by owners of comparable unassisted units in the premises or area. Owners must give the PHA information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

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### B. Rental Increases:

After the initial 12 months under a HAP contract, owners that want a rent increase must submit a written request to the PHA at least sixty (60) days prior to the annual recertification date. In order to receive a rent adjustment, the owner must have complied with all requirements of the HAP contract and HQS during the year before the annual anniversary date.

The adjusted rent to owner equals the lesser of:

(1) The pre-adjustment rent (see definitions) to the owner that is in effect 60 days before the HAP Contract anniversary multiplied by the applicable Section 8 annual adjustment factor (AAF) published annually by HUD.

(2) The reasonable rent (as most recently determined or redetermined by the PHA in accordance with the requirements of this policy).

(3) The amount requested by the owner.

Should an owner request an increase beyond the AAF ("special" increase) for improvements made to the property (outside of replacement for normal wear and tear), or increases in property taxes or utilities included in the contract rent, the request with supporting documentation and rent reasonableness determination must be forwarded by the PHA to HUD for consideration. The PHA may limit the term (for temporary or one-time cost adjustments) of any special adjustment and the PHA has the right to withdraw the special adjustment.

### C. Rental Increases for Subsidized Projects:

The rent to owners in an insured or non-insured Section 236 project, a Section 515 project, a Section 202 project, or a Section 221 (d)(3) project must be adjusted to follow the subsidized rent. The Section 8 annual adjustment factors are not to be used for adjustments in subsidized projects and HUD does not permit special adjustments.

The PHA has discretion to reduce the initial rent to owners because of other governmental subsidies, including tax credits, tax exemption, grants or other subsidized financing for regular tenancy.

## **XV. HOUSING QUALITY STANDARDS**

### **A. Inspections:**

All housing units must have an initial and annual inspection and must pass the Housing Quality Standards (HQS) as set forth in the Federal Regulations, HUD Handbooks, and pertinent State and local laws to be placed under the Section 8 program. In addition, the PHA may require that units comply with the minimum local Housing Code. As permitted by the Federal regulations, the PHA requires that all windows that are designed to be “openable” have window screens, and all outside doors have door screens.

When possible, the PHA will request that the owner be present during the initial inspection; however, in any case, results of the inspection will be provided to the owner and family as soon as possible after the inspection.

The PHA will use its best efforts to execute the Housing Assistance Payment (HAP) contract before the beginning of the lease term; however, the HAP contract cannot be executed until a unit passes the above requirements and the participant has executed the lease agreement. Failure of the participant to execute the lease or failure of the landlord to execute the Housing Assistance Payment contract within five (5) working days of notification by the PHA can result in termination of assistance. Potential participants will be advised that they are responsible for all rent should they enter into a lease agreement with an owner prior to passing inspection and the execution of a HAP contract with the owner.

Failure of the program participants to keep rescheduled inspections appointments (after the second appointment notification) without verifiable justification for the missed appointment can result in termination of the housing assistance as indicated in this plan.

### **B. Annual Inspections:**

Annual inspections must be made on each unit under the program or before the annual re-certification period for the participant.

### **C. Move-out Inspections:**

Move-out inspections will be conducted, when it is deemed necessary, by the PHA and in accordance with this plan.

### **D. Quality Control Supervisory Inspections:**

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Supervisory inspections will be done during each calendar year on at least 5% of all initial lease-ups and continued occupancy units under reexaminations by a person designated by the Director of the Housing Authority (must be someone other than the Inspector). A separate Quality Control Log will be maintained for the supervisory inspections.

#### E. Units Failing Housing Quality Standards:

Owners and participants will be notified in writing of all unit deficiencies and fail items and a timetable for correction. Emergency items (threat to health or safety) will necessitate contact by telephone (followed by correspondence) and must be corrected within 24 hours. Failure of the participant/owner to correct emergency items will result in the immediate termination of the contract without adherence to the notice requirements.

All other non-emergency repairs must be done after notification by the PHA within a reasonable time (as prescribed by the PHA) up to 30 days after notification except for painting. The PHA may provide an extended period for painting based on weather conditions. Housing Quality Standard fail items not corrected in the time frames provided by the PHA's written notification by the responsible party (owner or participant family) would result in termination of the HAP contract. Participants who have continued to meet the program requirements will be provided with a voucher to find another unit.

In the event that HQS inspections determine that there are serious housekeeping problems, the PHA will notify the family and owner in writing of the conditions and strongly recommend that the owner take whatever action necessary to include conducting more frequent inspections. The correspondence will include notice that the unit may fail inspection based on the unit's failure to meet the required decent, safe, and sanitary requirements of the program and could lead to HAP contract termination.

**XVI. LEASE/OWNER APPROVAL, SECURITY DEPOSITS, UTILITIES AND HAP CONTRACTS**

A. Lease/Owner approval.

(1) Nothing in this plan or in the Federal regulations intend to give any owner any right to participate in the housing programs. The PHA will not approve a unit under any of the following conditions:

(a) If information has been provided that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

(b) If directed by HUD that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or any other federal equal opportunity requirement, and such action is pending; or a court or administrative agency has determined that the owner violated such requirements.

(c) If the owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

(d) If the owner has committed any fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

(e) The owner has engaged in any drug-related criminal activity or any violent activity or violent criminal activity.

(f) The owner has a history or practice of failing to terminate tenancy of tenants of units for activity engaged in by the resident, any member of the household, a guest or another person under the control of any member of the household that:

(i) threatens the right to peaceful enjoyment of the premises by other residents;

(ii) threatens the health or safety of other residents, PHA employees, or of owner's employees;

(iii) threatens the health or safety of or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or

(iv) is drug-related criminal activity or violent activity or violent criminal activity

(g) The owner has a history or practice of non-compliance with the HQS for

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units leased under the programs of the PHA or any other federal housing program.

(h) The owner has a history or practice of renting units that fail to meet State or local housing codes.

(i) The owner has not paid State or local real estate taxes, fines or assessments.

(j) If the owner is the parent, child, grand-parent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction is applicable at the time a family initially receives assistance (not for continued assistance with approval of a new unit).

2. Owners will be advised that the PHA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility. Listing of a family on the PHA waiting list, or selecting a family for participation in the program, is not a representation by the PHA to the owner about the family's expected behavior or suitability for tenancy. The PHA must give the owner information it has as to the family's current address and the name and address (if known) of the landlord at the family's current and prior address. The PHA may give the owner information about the family's tenancy history or about any drug-trafficking activity by the family members.

All owners and families will be provided the same types of information.

3. The PHA will utilize the owner's lease form that the owner uses for other unassisted units or if the owner does not have a standard form, the PHA will provide a standard form lease. The Section 8 staff must review all owner's leases for HUD required provisions (see Regulation 982.308 for requirements) and prohibited lease content prior to execution. The HUD Lease Addendum form must be executed and attached to all owner lease forms in order for the unit to be accepted under the program. In the event the owner refuses to execute the HUD Lease Addendum, the PHA cannot execute a HAP contract with the owner.

#### B. Security Deposits.

Effective on and after October 2, 1995, owners may collect a security deposit from the tenant; however, the security deposit may not be in excess of amounts charged by the owner to unassisted tenants.

Leases and HAP contracts executed prior to October 2, 1995 may continue, unless



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terminated for any reason, if the owner does not desire to change the security deposit amount to the above set forth allowable amount (prior to October 2, 1995, the security deposit was the greater of one month's TTP or \$50.00). Vacancy loss amounts and/or damage claims remaining under the old version of the HAP Contract will be determined in accordance with the executed HAP Contract and the Federal Regulations.

For contracts initiated after October 2, 1995, Landlords will be advised to collect market rate security deposits for unassisted units. Should the tenant vacate the unit owing unpaid rent or amounts for damage claims, the PHA is not responsible for any reimbursement to the owner should the security deposit be insufficient to cover amounts the tenant owes under the lease. Owners will be advised that it will be necessary to collect any balances owed from the tenant.

Any unused or unclaimed portion (amounts owed by the family to the owner for unpaid rent or amounts owed under the lease) of a security deposit must be refunded to the family by the owner.

#### C. Utilities.

Prior to any HAPs being paid to an owner, the family must submit documentation that indicates the utilities have been placed in the family's name and have been turned on, unless the utilities are included in the contract rent. Participants will be required to prove, at recertification time, that the utilities are being continued by the family.

The PHA will adopt and update, as necessary, the utility allowance schedule to be used for computing utility allowances. If there has been more than a 10% change in the utility rates in the jurisdictional area of the PHA, the PHA must revise the utility allowance schedule.

If the participant is entitled to receive a utility check, the family may request that the utility check be paid directly to the utility company. Otherwise the check will be made payable to the participant.

The PHA must use the appropriate utility allowance for the size of dwelling unit **actually leased** by the family.

The PHA must approve a utility allowance which is higher than the applicable amount on the schedule should same be requested by a family that includes a person with disabilities. The PHA will use its discretion in considering a "reasonable" amount of increase based on individual circumstances.

#### D. HAP Contract.

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The PHA will use its best efforts to execute the Housing Assistance Payment (HAP) contract before the beginning of the lease term; however, the HAP contract cannot be executed until a unit passes the above requirements and the participant has executed the lease agreement. The Housing Assistance Payment (HAP) contract must be executed no later than 60 calendar days from the beginning of the lease term. Failure of the participant to execute the lease or failure of the landlord to execute the Housing Assistance Payment contract within five (5) working days of notification by the PHA of the end of such period can result in termination of assistance. Any HAP contract executed after the 60-day period is void, and no HAPs will be paid to the owner. Potential participants will be advised that they are responsible for all rent should they enter into a lease agreement with an owner prior to passing inspection and the execution of a HAP contract with the owner.

The PHA may, in extenuating circumstances, pay housing assistance payments after execution of the HAP contract (in accordance with the HAP contract), to cover the portion of the lease term before execution of the HAP contract not to exceed 60 days.

Upon execution of the HAP contract, the unit passing inspection, and the move-in date of the participant, the PHA will commence payments on behalf of the family. Payments will continue until the contract is canceled/terminated or the family's total tenant payment equals gross rent. The termination of eligibility at such point will not affect the family's other rights under its lease, nor will such termination preclude the resumption of payments as a result of later changes in income (for a period not to exceed 180 days), rents or other circumstances during the term of the contract. Eligibility may be terminated in accordance with the contract requirements for failure to submit requested verifications, failure to meet any of the disclosure and verification requirements of the program, failure to comply with the reexamination requirements set forth herein, and/or failure to sign and submit consent forms. The HAP contract automatically terminates when there are no housing assistance payments made on behalf of the family for a period exceeding (1) one hundred eighty (180) days for units under HUD HAP Contract forms with print date of 9/95, or (2) one year after the last housing assistance payment on behalf of the family under HUD HAP Contract forms with a print date prior to 9/95.

HAP payments will be prepared so that owners will receive checks no later than the tenth day of each month. Payments will be issued on or about the 15th day of the month for any HAP contracts not fully processed in the computer system for any reason such as initial lease-up, rent adjustments, etc.

Upon inspection by the PHA, written notification of any tenant-caused damage will be reported to the family and the owner. Failure of the family or the owner to correct any failed housing quality standards, regardless of responsibility, is grounds for termination of the HAP. The PHA will provide written notice of any such HAP termination to the family and the owner.

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The PHA will abate payment or housing assistance in part or in whole (depending on the date repairs were completed) if it is determined that the owner/landlord is responsible for and is not meeting obligations under the HAP contract for maintaining and operating the unit according to the Housing Quality Standards or any other standards established in the lease or by this policy. A written notification of such abatement will be sent to the landlord and resident. Termination of the HAP contract may occur in the event that a unit continues to fail Housing Quality Standards after the time period provided by the PHA for repair has passed.

#### E. Lease Terminations by Owners

(1) The owner may not terminate the tenancy except on the following grounds:

- (a) Serious or repeated violation of the lease terms and conditions;
- (b) Violation of federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
- (c) For other good cause.

(2) The family is not responsible for payment of the portion of the rent to owner covered by the housing assistance payment under the HAP contract between the owner and the PHA.

However, the PHA will pay the HAP amount due if the family continues to reside in the unit until the owner has obtained a court judgment or other process allowing the owner to evict the tenant or when the HAP contract is terminated. The PHA's failure to pay the HAP to the owner is not a violation of the lease between the owner and the tenant. During the term of the lease the owner may not terminate the tenancy of the family for nonpayment of the PHA's housing assistance payment.

(3) The owner may terminate the lease for any activity engaged in by the resident, any member of the household, a guest or another person under the control of any member of the household that:

- (i) threatens the right to peaceful enjoyment of the premises by other residents;
- (ii) threatens the health or safety of other residents, PHA employees, or of owner's employees;
- (iii) threatens the health or safety of or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
- (iv) is drug-related criminal activity or violent activity or violent criminal activity including the manufacture of methamphetamine.

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(4) Other good cause for termination of tenancy by the owner may include, but is not limited to, disturbance of neighbors, destruction of property, living or housekeeping habits resulting in damage to the unit, or the owner's desire to use the unit for personal use.

(5) Owners must give the tenant and the PHA a written notice that specifies the grounds for lease termination (may be included with an eviction notice, if applicable).

(6) Owners may keep the HAP for the month when the family moves out of the assisted unit. The PHA will not make any HAP to the owner for any month after the month when the family moves out.

(7) If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last HAP (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

#### F. HAP Contract Terminations by the PHA

Program participants must comply with Section XVI(B) in cases of a desire to move to another unit with or without justification (such as change in job location). Program participants that have mutually agreed with a landlord to cancel a lease, must provide the PHA with 30 days written notice of intent to vacate the unit for any reason (voluntarily leaving the program or desire to relocate to another unit). Notification to the owner must be in accordance with the Lease requirements. Participants will be allowed to request another Voucher in the event of a desire to relocate to another unit (with notice as above indicated).

The participant's time limit (60 days), in the event of a failure to locate another unit, will not be extended (except under emergency circumstances previously described in Section IX(G)).

Other than the termination of eligibility as set forth above, terminations will be made in accordance with the terms and conditions of the HAP contract with the owner. Terminations of a family's assistance in the program will also necessitate termination of the HAP contract with the owner. The following are grounds for the PHA's termination of the HAP contract and the families' assistance:

(1) If the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

(2) Action or inaction (failure to act) by the participating family or violation of family obligations, termination of tenancy, eviction, or failure to correct any family-caused

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housing quality standards failure (including failure to keep continuous utility services, provision and maintenance of any appliances that the owner does not or is not required to provide, or failure to repair or reimburse the owner for any damage to the dwelling unit or premises by any member of the household or guest).

(3) Allowing any unauthorized person(s) to live in an assisted unit beyond a visitor period not to exceed (14) days.

(4) If a participant has committed any fraud or has made willful misrepresentations in connection with any federal housing assistance program.

(5) The family has violated any participant obligation or breached any agreement (see obligations of the family).

(6) Failure to comply with the requirements under a contract of participation in the Family Self-Sufficiency program.

(7) Drug/substance abuse (to include alcohol abuse) or criminal activity by any member or guest of the participant family (see Section V, Definitions) that affects the health, safety or right of peaceful enjoyment by other nearby residents, ***including violent activity, violent criminal activity, alcohol abuse, drug-related activity, sexual misconduct or arson*** by any member of the participant family or a guest of the household. The PHA will enforce HUD's **"One Strike, You're Out"** procedures. The PHA will use its discretionary privileges under the program based on a preponderance of evidence and credible evidence (see Section V, Definitions) in determining whether or not termination includes all or specific family members. ***Any person who has a lifetime registration under a State Sex Offender Registration program or has been convicted of manufacturing or producing methamphetamine (speed) in any HUD assisted property will be terminated from the program and denied eligibility for life.***

(8) Any uncorrected Housing Quality Standards failures or any family instituted or caused failure of any of the Housing Quality Standards.

(9) Failure to continuously occupy the unit under lease and HAP contract for more than 60 consecutive days (no member of the family is residing in the unit) unless the PHA provides approval of the absence for extenuating circumstances. In no case shall the family be permitted to be absent from the unit for a period of more than 180 consecutive days.

(10) Failure of the part of the landlord/owner to correct any Housing Quality Standards.

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- (11) Mutual rescission of the lease by the owner and participant.
- (12) Participant move with proper notice to owner and PHA.
- (13) Moves required due to over-crowded or under-occupied units.
- (14) Rental increases by owners beyond rent reasonableness for the area.
- (15) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- (16) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit that occurred prior to the effective date of the Unified Rule for tenant-based assistance, or other amounts owed by the family under the lease.
- (17) If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.
- (18) A violation of HQS space standards because of an increase, decrease due to a change in family size and composition. The PHA must issue the family a new voucher and the family must find and select a new unit that meets the program requirements. In the event the family refuses to move when notified, the PHA will terminate the HAP contract and assistance.
- (19) As applicable to the HAP contract, either one year or one hundred eighty (180) days after the last housing assistance payment is made to an owner on behalf of a family (automatic termination).
- (20) Failure to accurately report income.
- (21) Violation of any HAP contract and/or assistance agreements after written notice from PHA that participant has been placed on probationary status.

The PHA will provide written notice (according to the terms and conditions of the HAP contract, the Rental Voucher) of program termination, and will indicate if the participant has the right to an informal hearing (see Complaint and Hearings Section).

## **XVII. HOUSING AUTHORITY, OWNER, AND PARTICIPANT**

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**RESPONSIBILITIES AND OBLIGATIONS**

In addition to provisions contained in the Voucher, HAP Contract and/or Lease, the following are included but not limited to, the responsibilities and obligations of the parties participating in the programs:

A. Housing Authority:

- (1) Publication and dissemination of information concerning the availability and nature of housing assistance for eligible families.
- (2) Public invitation to owners to make units available for leasing by eligible families and development of working relationships and contracts with landlords, appropriate agencies, associations, and groups.
- (3) Receipt and review of applications, verification of income, and other factors related to eligibility, amounts of assistance, and maintenance of a waiting list.
- (4) Issuance of Vouchers to eligible families.
- (5) Notification of families determined to be ineligible.
- (6) Provision to voucher holders of basic information on applicable housing quality standards, inspection procedures, owner and tenant responsibilities, and basic rules.
- (7) Determination of Total Tenant Payment and Tenant Rent.
- (8) Determination of Housing Assistance Payments (HAPs).
- (9) Explanation of program procedures to owners.
- (10) Review of and action on Requests for Lease Approval, including monitoring to assure that the limitations on use of Section 8 housing assistance in subsidized projects are observed.
- (11) Distribution of Housing Assistance Payments.
- (12) Provision of housing information to assisted families and referral of such families to appropriate social service agencies, if needed.
- (13) Reexamination of income, family composition, medical expenses or other eligible expense, and redetermination of Total Tenant Payment and Tenant Rent.

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- (14) Adjustment of the amount of Total Tenant Payment, Tenant Rent, utility reimbursement, and/or HAP.
- (15) Inspections to determine that units are maintained in decent, safe, and sanitary condition, and written notification to owners and families of adverse determinations.
- (16) Administration and enforcement of Contracts with owners and taking appropriate action in cases of noncompliance, default, program abuse and fraud.
- (17) Compliance with equal opportunity requirements, including efforts to provide families' assistance in locating housing in areas outside of economically and racially concentrated areas.
- (18) Determine who can live in the assisted unit, at admission and during the family's participation in the program.
- (19) Conduct informal reviews of certain PHA decisions concerning applicants for participation in the program.
- (20) Conduct informal hearings on certain PHA decisions concerning participant families.
- (21) Provide sound financial management of the program, including engaging an independent public accountant to conduct audits.
- (22) Issue IRS Form-1099 for rental payments to agents/owners (to the Payee on issued rental payments and/or whoever executes the HAP Contract).
- (23) Any other task given priority consideration and support by the Board of Commissioners.

#### B. Owners/Landlords:

- (1) Performance of all property management and renting functions, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
- (2) Maintaining the unit in accordance with HQS or other standards as specified in this Administrative Plan, including performance or ordinary and extraordinary



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maintenance.

- (3) Payment for utilities and services (unless paid directly by the family).
- (4) Collection of security deposit, the tenants' contribution of rent, and any charges for unit damage by the family.
- (5) Collection, preparation and reporting of information required under the Housing Assistance Payment Contract.
- (7) Compliance with the applicable provisions of this Administrative Plan.
- (8) Compliance with equal opportunity requirements.
- (9) Notify the PHA and family of any changes in the amount of rent at least sixty days before any such changes to into effect, and any such changes are subject to rent reasonableness requirements.
- (10) Notify the PHA of any proposed charges (including charges for household appliances, utilities, or any other service) to the tenants' family other than those in the approved HAP contract and lease.
- (11) Determining when to evict, advising the PHA, and proceeding with the action through proper legal action.
- (12) Comply with South Carolina Landlord Act and any amendments thereto.

#### C. Program Participants:

- (1) Execute or provide any required certifications, consent and release of information forms, or other documentation which the PHA or HUD determines to be necessary, including submission of required documents required for initial, interim or annual reexamination of family income and composition (includes submission of required evidence of citizenship or eligible immigration status). ***Participant agrees to permit income matching between all agencies of the government (to include but not limited to Internal Revenue Service, SWICA (State Wage Income Collection agencies) and HUD for verification of proper income reporting in the determination of level of benefits; Participant further agrees to promptly (within ten days) notify the HA upon receipt of a notice of income discrepancy from HUD and agrees to promptly provide any information necessary for the reconciliation of an income discrepancy, and to pay any rent adjustment that may be due as a result of improper reporting by the family. The HA will take prompt, appropriate action to recover excessive housing assistance paid on behalf of or received by participants, up to and including filing criminal charges.***

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***Participants who report little or no income to the household agree to provide statements of survival and agree that the Housing Authority may perform a check through the credit bureau to ensure income integrity for the program.***

All income, including income increases, must be reported.

(2) Allow the PHA or landlord/owner to inspect the dwelling unit at reasonable times and after reasonable notice (no notice required for cases of an emergency).

(3) Notify the Housing Authority by a mail certified thirty (30) day notice before vacating the dwelling unit.

(4) Use the dwelling unit solely for residence by the PHA approved family as the family's only residence.

(5) Comply with the term of the lease agreement.

(6) Prevent any damage or family-caused housing quality standards failure (including continuous utility services), control the conduct and/or actions of their family members, guests and visitors, and if any damage occurs, pay for any damage to the unit that are caused by the tenant, family, guests, or visitors.

(7) Refrain from committing any fraud in connection with the Section 8 program or any other Federal, State or local assistance program.

(8) Refrain from receiving assistance under the Section 8 program while occupying or receiving assistance for occupancy of any other unit assisted under any subsidized housing program.

(9) Refrain from assigning the lease or transferring the unit by any means.

(10) Refrain from engaging in drug/substance abuse-related activity, violent activity or violent criminal activity, or sexual misconduct or arson, including any such activity by any family member or guest on or off the premises.

(11) Not allowing any individuals unauthorized by the PHA to live in the unit. Guests or visitors may only be permitted to visit with the family for not more than fourteen (14) days subject to notification to the PHA.

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(12) Refrain from activity on the part of any member of the family, guests or visitors that would disturb any neighbor's peaceful enjoyment of their own accommodations.

(13) Disclose and verify social security numbers and must sign and submit consent forms for obtaining information in accordance with federal regulations.

(14) Provide the PHA a copy of any owner eviction notice.

(15) Notify the PHA of any absence from the unit and supply information/certification requested by the PHA to verify that the family is living in the unit, or relating to family's absence from the unit.

(16) Disclose in writing any decrease or desired changes in family size and composition. PHA approval must be granted for any adding family members (including live in aides) unless by birth, adoption, or court-awarded custody of a child. Changes to unit size may be necessary according to program requirements when family size changes occur. In the event the family refuses to locate a new unit/move when notified, the PHA will terminate the HAP contract and assistance.

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### **XVIII. ANNUAL RE-CERTIFICATION, INTERIM CHANGES AND REEXAMINATIONS**

#### **A. Annual Re-certification:**

Annual re-certification must be done on or before the anniversary date of the HAP contract for all participants in the Section 8 program. Program participants must report to the PHA all changes in income, any additions or deletions of household members, and deduction changes (such as childcare) in writing within ten (10) days from the date of change. Participants and owners will be notified in writing of the annual re-certification at least sixty (60) days prior to the anniversary date of the HAP contract. Participants will be given an appointment for re-certification. One cancellation and rescheduling of an appointment will be permitted. Failure to re-certify will be deemed as inaction by the participating family and a violation of the family's obligations and is grounds for termination of assistance. Participants and owners will be provided with a "HAP Contract Adjustment" form at the end of the reexamination that will indicate all changes from the previous initial HAP contract or previous adjustment.

#### **B. Unit Transfers/Moves:**

Program participants may request to move to another unit; however, moves will not be permitted during the initial year of assisted occupancy and only one move can be made per year. Requests must be made in writing to the PHA and the owner within ten (10) days after receipt of the PHA's notification of annual re-certification. The request to move must be accompanied by the participant's mail certified thirty (30) day notice to the landlord. The PHA will issue a new voucher only if the family has previously fulfilled all obligations and responsibilities under the Section 8 program, and has not committed any fraud, program abuse (including non-payment of amounts owed to the PHA under a repayment agreement), and/or is responsible for or failed to correct any tenant-caused damage to an assisted unit. The program participant will be given the same required sixty (60) days to locate another unit. Extensions will only be given for extenuating circumstances as indicated in Section IX(F).

In the event the participant fails to notify the PHA and the owner prior to the expiration of the Voucher of their intent to remain in their present unit or provide the required Request for Lease Approval for another unit, the participant's assistance may be terminated and the participant will be solely responsible for rent (under the lease) to the owner.

A participant may be required to move under the following circumstances:

(1) the participant has contacted an owner for necessary repairs that would fail the HUD established Housing Quality Standards and the repairs are not made. The participant must contact the PHA in these circumstances.

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(2) units that do not pass the annual housing inspections or special inspections as above set forth and the owner fails to make the necessary repairs in the time frame for completion as indicated in writing to the owner by the PHA.

(3) the owner has notified the PHA of their intent not to continue the lease.

(4) over-crowding or under-utilization of unit size.

### C. Interim Changes:

Program participants must report to the PHA all changes in income, any additions or deletions of household members, and deduction changes (such as childcare) in writing within ten (10) days from the date of change. Failure to report may result in program termination and/or criminal prosecution. **Proper reporting methods must be followed by all participants. Proper reporting methods are considered to be when a resident has a change in income to the household (including but not limited to, income that may be exempt from rent calculation) or a change in family composition, he or she will report such change to the office within ten days of such change, make an appointment and come in to the office to complete the necessary third-party verification forms that are required by HUD so that the proper amount of rental assistance or rent subsidy for the family can be calculated.**

For all income change that results in a decrease of the participant's total tenant payment, an interim adjustment must be made and will become effective the first of following month after the resident reports the change and verification is obtained by the PHA.

Interim adjustments will be made to correct any errors, which may have occurred under the initial certification or for any subsequent reexaminations.

Interim adjustments will be made for increases in annual income of \$1,560 or more. Deductions from income for additions to the household will not be changed unless specifically requested by the head-of-household until annual re-certification time. All other changes to household size, household deductions, income, etc. will require an interim adjustment.

Increases in rent will become effective the first of the month following a 30-day notice by the PHA to the participant. In cases of a participant's failure to report income increases, the rent change will be made retroactive to the date of the income increase.

All income and rent adjustments will be made for all FSS participants.

Zero income families will be contacted on a quarterly basis concerning the status of their household income. They will be advised to seek assistance from supportive agencies

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(DSS, Job Service, etc.). Participants that have no source of income for a period of more than three (3) consecutive months will be required to submit statements of survival until employment or other means of financial support is obtained. The PHA may request a credit report on these families for rent determination purposes to see if there are any amounts paid to the household on a regular basis.

The PHA will consider on a case-by-case basis and use its best judgment in determining who remains in the program if a family unit breaks up. Consideration will be given to interests of any minor children, custody issues, disability of any family members, etc. In the event of judicial proceedings in a separation or divorce, the PHA will be bound by any court determinations.

#### D. Limitations on Household Size:

Participant families may only increase household size due to marriage, birth of additional child(ren), custody changes or Legal adoptions involving minor children, or additions through the foster care program. Families with these type of changes in household size that result in the unit no longer being the appropriate size will be issued a voucher according to funding availability. A transfer list will be maintained for participants that cannot be immediately assisted with a larger Voucher.

At the PHA's discretion, immediate family members who have been deleted from the household or were never members of the household may not be added as program participants and are not entitled to housing assistance. Such persons will be advised to apply for housing assistance.

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**XIX. REPAYMENT AGREEMENTS AND COLLECTIONS**

Should the PHA determine that HAPs have been paid to an owner in excess of the amount that should have been paid due to unreported income, and it has been determined that there was no intentional fraud involved, a repayment agreement may be entered into with the participant. Based upon the participant's circumstances, a monthly repayment amount will be set at a reasonable rate. **Amounts less than \$100 should be paid in full; repayment agreements will not be entered into for amounts less than \$100.** In the event of extreme hardship cases, the PHA has the right to amend the repayment agreement or waive the amount due upon approval by the Executive Director. The PHA will refuse to allow the participant to receive another voucher for future moves until the amount is paid in full. The PHA will terminate assistance for non-payment or failure to comply with the terms of the repayment agreement.

If the HA enters into a repayment agreement, the repayment agreement will be set up as follows:

| <u>Initial Payment</u> | <u>Amount</u>         | <u>Maximum Term</u> |
|------------------------|-----------------------|---------------------|
| 50% due*               | <b>\$101 to \$500</b> | 3 months            |
| 40% due*               | \$501. - \$1,000.     | 6 months            |
| 33% due*               | \$1,001. - \$2,500.   | 12 months           |

\* Due at the execution of the repayment agreement.

Repayment agreements will not be entered into if the total amount due exceeds \$2,500.00 without the prior approval of the Executive Director.

In the event of extreme hardship cases, the HA has the right to amend the repayment agreement or waive the amount due upon approval by the Executive Director.

Refusal to execute a repayment agreement that is a result of a failure to comply with any of the family obligations will result in termination of assistance. In the event of the participant's failure to comply with the terms of the repayment agreement, the HA will terminate assistance for non-payment or failure to comply with the terms of the repayment agreement.

Any repayment amounts must be paid by personal check or money order. The PHA will not make a practice of accepting cash. Receipts will be issued for amounts paid in person at the PHA office.

Repayment agreements will not be entered into with owners. In the event that an

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owner is paid any excess amounts not due by the PHA, then the following are the conditions for repayment: (1) the amount owed will be deducted from any future HAP payments for the same participant family or other participant families in units owned by the owner or (2) the amounts are due to the PHA upon notification in writing to the owner.

### **XX. PORTABILITY**

The PHA will adhere to portability program requirements. The Federal Regulations permit portability moves in the Section 8 program to a jurisdiction of a PHA anywhere in the United States that administers a tenant-based program.

Participants not having a legal domicile in the jurisdiction of the PHA at the time the family applied for assistance must rent a unit in the PHA's jurisdiction for at least twelve (12) months before being eligible for portability.

#### **A. As an Initial PHA:**

In portability moves where the PHA is the initial PHA, staff will contact the receiving PHA to initiate the move. If the participant has complied with the program regulations and this Administrative Plan, a new Voucher must be issued to the participant to be given to the receiving PHA.

The regulations allow the receiving PHA to administer the initial PHA's voucher or issue one of its own vouchers. The Section 8 staff must send a letter of good standing for the participant family, the completed voucher, the HUD-50058 and worksheet for the family. The Section 8 staff must indicate the date by which the family must submit a Request for Lease Approval and maintain close contact with the receiving PHA to determine the HAP Contract execution date should the Receiving PHA decide to administer the PHA's voucher. The PHA will follow the guidelines set forth in this Administrative Plan for allowable extensions.

In the event that the receiving PHA indicates its intention to administer the initial PHA's voucher and the family has not located suitable housing within the sixty (60) days (with no permitted extension of time granted), the receiving PHA and the participant will be notified of the loss of housing assistance by the initial PHA.

The Initial PHA must reimburse the Receiving PHA for the administrative fees, and the hard-to-house fee, if applicable. The Section 8 program staff will notify accounting of the move so that bills from the initial PHA will be anticipated and paid promptly by the receiving PHA.

#### **B. As a Receiving PHA:**



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The PHA will determine on a case-by-case basis whether to administer the initial PHA's voucher or issue one of the PHA's vouchers (based upon funding availability). It is the responsibility of the initial PHA to contact the receiving PHA indicating the participant's intent to move, provide a letter of good standing, provide a voucher, provide the HUD-50058 and worksheet for the family, and to monitor and follow-up with the receiving PHA. The receiving PHA will only assist the participant if the initial PHA has issued a new Voucher to the participant entitling them to seek another unit. The participant must be re-certified initially and annually for the purposes of determining housing assistance payments.

In the event that the administration of another PHA's Voucher is necessary, Section 8 program staff will provide immediate notice to the accounting staff so that timely billing to and payment from the initial PHA can be accomplished for the administrative fees, preliminary expense, and the hard-to-house fee, if applicable. The Section 8 program staff must notify accounting immediately should the family cease to participate in the program.

### C. Subsequent moves:

The PHA, as the initial PHA, limits the portability moves of participants, to not more than one move in any twelve (12) month period (after initial lease-up period of twelve (12) months and after).

### D. Income Limits:

The applicable income limit for the participant is always the income limit for the area in which the family initially leases a unit and first becomes a Section 8 participant. Any potential program participant who is not a current program participant or is a portable family transferring assistance between programs (certificate to voucher or vice-versa) must be income eligible in the new program area (where they are to be assisted).

## **XXI. COMPLAINTS AND HEARINGS**

### A. Discrimination Complaints

If there is notification to the PHA that there is reason to believe that there has been any discrimination on the basis of race, color, creed, sex, disability status, familial status, or national origin, the PHA will provide the Fair Housing Complaint Form, HUD-903, and any assistance deemed necessary.

### B. Informal Reviews

The PHA will provide applicants with prompt written notice of ineligibility or denials of assistance. The notice must contain the reasons for the PHA decision, a statement that the applicant may request an informal review, and how to obtain an informal review. The PHA will indicate that the PHA must receive requests for informal reviews within ten (10) days from the date of the notification. Failure to request the hearing, in writing, within ten (10) days from the date of the letter from the PHA will result in forfeiture of this right.

The informal review must be conducted by a person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person. The applicant will be given the opportunity to present written or oral objections to the PHA decision.

A prompt written decision will be provided to the applicant after the informal review.

Informal reviews, upon receipt of a written request, will be conducted for decisions affecting participants to include the following:

(1) Determinations of the family's annual or adjusted income and the use of such income to compute the housing assistance payments.

(2) A decision of denial or termination of a participant's housing assistance except in situations involving any drug-related or violent activity or violent criminal activity.

(3) A determination of the family unit size under the PHA's subsidy and occupancy standards.

Informal reviews will not be conducted by the PHA for the following:

(1) Discretionary administrative determinations by the PHA, general policy issues, or class grievances.

(2) The PHA's determination of the bedroom size indicated on the Housing Voucher or the participant's occupancy of a unit that is overcrowded or under utilized.

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(3) The PHA's determination that a unit located by an applicant does not comply with the PHA's housing quality standards, the PHA's determination not to approve the lease of a unit, failure of an owner to maintain or operate a contract unit in compliance with the housing quality standards, or because of failure to meet the standards for family size and bedroom size due to changes in the family composition.

(4) The PHA's decision not to approve a request for an extension or suspension of a voucher term.

(5) The PHA's decision to exercise any remedy against an owner under contract for fraud or substantial noncompliance with the program requirements, e.g. units failing HQS standard, including the termination of payments for any units that may be under contract with the owner.

(6) Establishment of the PHA schedule of utility allowances.

(7) A PHA determination that an assisted unit is not in compliance with HQS (unless terminating assistance because of a family caused breach of the HQS) including a determination that the unit fails HQS because of the family size.

(8) A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract.

(9) Determination or denial of continued assistance based on any drug-related or violent activity or violent criminal activity (even in the absence of arrest or conviction).

### C. Informal Hearing Procedures

The PHA will give participant families an opportunity for an informal hearing under any of the following circumstances:

1) Determination of the family's annual or adjusted income or computation of assistance disputes.

2) Determination of family's utility allowance disputes.

3) Determination of the family's unit size under subsidy standards.

4) Determination to terminate assistance except as outlined herein.

Informal hearings must be requested by a family in writing within ten (10) days from the date of the notification. Failure to request the hearing, in writing, within ten (10) days from the date of the letter from the PHA will result in forfeiture of this right.

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Hearings will not be granted for determinations of ineligibility or denials of continued assistance based on any drug-related or violent activity or violent criminal activity (even in the absence or arrest or conviction).

The family and the PHA must be given the opportunity to examine and copy (at the requesting parties' expense) any PHA or family documents that are directly relevant to the hearing. If the PHA or the family does not make the document available, the PHA or the family may not rely on the document at the hearing.

Either party may, at its own expense, be represented by a lawyer or other representative.

The hearing must allow for due process for the PHA and the family to include presentation of any evidence and/or opportunity to question witnesses, right to retain and have legal representation, rights of discovery for both the family and the PHA (right to examine and photocopy documents directly relevant to the hearing), and right to a private hearing.

Failure to appear at a scheduled hearing by either the family or the PHA is a waiver of the right to a further informal hearing. **Any appointment requested by a participant and not kept or not rescheduled prior to the time of the arranged appointment will waive the right to a hearing, unless it is proven that a verifiable emergency existed at the time of the missed appointment.**

A written decision of the hearing officer or panel will be issued. The determination by the hearing officer or panel does not constitute a waiver of either party's right to appropriate judicial proceedings.

The hearing must be conducted by a person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

The person or panel conducting the hearing must issue a prompt written decision stating the reasons for the decision to the PHA staff and the applicant/participant/owner. The PHA is not bound by a hearing decision concerning a matter for which the PHA is not required to provide informal hearings or that otherwise exceeds the authority of the person conducting the hearing or if such hearing decision is contrary to HUD regulations or State/local law. In such instances, the PHA must notify the family of such determination and the reasons for the determination.

## **XXII. OTHER ADMINISTRATIVE FUNCTIONS**

The PHA will annually review and, where necessary, make changes to utility

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allowances and policies/procedures.

Fair Market Rents changes as issued by HUD will be put into effect after publication in the Federal Register. Payment Standard changes for the Voucher program will increase as deemed necessary.

The Housing Authority Executive Director or his/her designee will conduct internal quality reviews on the files for accuracy and completeness of documentation. Staff will be monitored and counseled in any deficient areas.

The PHA will follow-up on any reports of fraudulent activity on the part of Section 8 program staff, applicants, participants, or owners. Documentation, when obtainable, will be compiled and an internal review will be conducted as to credible evidence by the Section 8 staff. In the event that the documentation is sufficient to pursue further action, the Executive Director will be notified to determine the resulting actions by the PHA.

The PHA's operating reserve funds may be expended for other housing purposes consistent with the authority of the PHA under State and local law, provided that the amounts used for other housing purposes are not required for projected administrative expenses through the remaining Annual Contribution Contract terms. Expenditures made for other housing purposes, consistent with State and local law, must be procured and committed in accordance with the current Procurement Policy adopted by the Board of Commissioners. The threshold for such expenditures may not exceed \$3000.00 without prior approval by the Board of Commissioners.

Program accounts and related records and files will be maintained in accordance with HUD regulations for at least three (3) years. All records and files for applicants and participants will be maintained for at least three (3) years to include leases, HAP contracts, applications, records that provide income, racial, ethnic, gender and disability status, HUD-required reports, unit inspection reports, and lead-based paint inspection records.

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**Total Tenant Payment - Section 8 Program**

Total tenant payment (gross family contribution) for rent will be computed in accordance with Federal Regulations and Public Law 104-99, to be the greater of:

- 30 percent of monthly adjusted income; or
- 10 percent of monthly income; or
- For the Section 8 Certificate program, a **minimum (\*see below)** TTP of \$0 (includes utility allowance); or
- For the Section 8 Voucher program, a **minimum (\*see below)** family contribution of \$0 (includes utility allowance), and if applicable, any difference between the monthly rent to owner and the housing assistance payment.
- Maximum family share at initial occupancy.

**NO MINIMUM RENT EXCEPTIONS NECESSARY DUE TO PHA \$0 MINIMUM RENT**

Maximum Family Share at initial occupancy: At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income. The determination of adjusted monthly income must be based on verification information received by the PHA no earlier than 60 days before the PHA issues a voucher to the family.

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Attachment 1

Annual Income Inclusions and Exclusions (see 24 CFR 5, Subpart F)